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QUAESTIONES CONCERNING CHRIST
FROM THE FIRST HALF OF THE THIRTEENTH CENTURY:

I. QUAESTIONES FROM
THE BIBLIOTHÈQUE NATIONALE, PARIS*

Walter H. Principe, C.S.B.

THE theology of Christ elaborated in the first half of the thirteenth century is to be found not only in the major works of the more important authors,¹ but also in a number of *quaestiones*, usually anonymous, scattered throughout various manuscript collections. Except for a relatively long *quaestio* on the Incarnation in Prague, Universitní knihovna MS. IV. D. 13,² most of the *quaestiones* that have come to our attention are relatively short and hardly merit individual edition and comment. Taken together, however, they shed considerable light on the gradual development of this area of theology. Therefore it has been thought worthwhile to edit these *quaestiones*, together with a discussion of their contents, in a series of articles of which this is the first.

* Research for this study was made possible by a Research Grant and a Leave Fellowship Grant from the Canada Council, for which I am grateful.

1 There will be occasion to refer to my study, *The Theology of the Hypostatic Union in the Early Thirteenth Century*, 4 vols. (Studies and Texts 7, 12, 19, 32; Toronto, 1963-75), which will be cited as follows:

- Hyp. Union 1* — William of Auxerre's *Theology of the Hypostatic Union* (1963)
- Hyp. Union 2* — Alexander of Hales' *Theology of the Hypostatic Union* (1967)
- Hyp. Union 3* — Hugh of Saint-Cher's *Theology of the Hypostatic Union* (1970)
- Hyp. Union 4* — Philip the Chancellor's *Theology of the Hypostatic Union* (1975).

Other studies in Christology of the major authors of the first half of the thirteenth century include Wilhelm Breuning, *Die hypostatische Union in der Theologie Wilhelms von Auxerre, Hugos von St. Cher und Rolands von Cremona* (Trierer Theologische Studien 11; Trier, 1962); E. De Clerck, 'Le dogme de la rédemption: de Robert de Melun à Guillaume d'Auxerre', *Recherches de théologie ancienne et médiévale* [= *RTAM*] 14 (1947) 252-86; Elisabeth Gössmann, *Metaphysik und Heilsgeschichte: Eine theologische Untersuchung der Summa Halensis (Alexander von Hales)* (Munich, 1964); Ferdinand Haberl, *Die Inkarnationslehre des heiligen Albertus Magnus* (Freiburg i. Br., 1939); Vincent-Marie Pollet, 'L'union hypostatique d'après saint Albert-le-Grand', *Revue thomiste* 58 (1958) 505-32, 689-724; Jan Rohof, *La sainteté substantielle du Christ dans la théologie scolastique: histoire du problème* (Studia Friburgensia, N.S. 5; Fribourg, 1952); Ant. Vugts, *La grâce d'union d'après S. Thomas d'Aquin: essai historique et doctrinal* (Tilburg, 1946).

2 fols. 53vb-55vb. It is no. 58 in the detailed description of this manuscript by Bertrand-G. Guyot, 'Quaestiones Guerrici, Alexandri et aliorum magistrorum Parisiensium (*Praha, Univ. IV.D.13*)', *Archivum fratrum praedicatorum* 32 (1962) 5-125; see 29-30.

Thus far some twenty such *quaestiones* are known to this author. These comprise seven found in the Bibliothèque Nationale, Paris,³ seven in the Bibliothèque de la Ville, Douai,⁴ several in the Biblioteca Apostolica Vaticana and in the Biblioteca Comunale, Assisi, and the one already mentioned in the Universitní knihovna, Prague.⁵ At first sight it might seem more logical to edit and comment on *quaestiones* from different libraries dealing with the same topic within the theology of Christ, but the nature of these *quaestiones* makes this method impracticable. Most of them are divided into several sub-topics and each *quaestio* has a different selection of such sub-topics. Hence in order to maintain a unity of topic one would have to excerpt and draw together partial selections from many different *quaestiones*, a procedure that would destroy the unity of the individual *quaestiones* and also introduce overlapping of material. Therefore we have chosen an intellectually less satisfying but more practical method for presenting these *quaestiones*, that is, in each article of this series we shall edit and analyze the *quaestiones* concerning Christ found in one particular library. This first article presents those found thus far in the Bibliothèque Nationale, Paris.

This material, it is hoped, will shed light on the broader development of Christology in the first half of the thirteenth century, fill in gaps left by the major authors, help interpret their texts, and perhaps serve, despite the anonymity of these texts, to find clues that may help identify authors of the extensive anonymous literature involving all aspects of theology in the first half of the thirteenth century.⁶

I. THE MANUSCRIPTS

Of the seven questions edited here, the first five are found in manuscripts that belonged to the library of the Abbey of Saint-Martial of Limoges. Individual gatherings of manuscript materials from this library were put together haphazardly for binding without any attention to the contents, with the result that gatherings of individual works are to be found in different bound manuscripts.

³ There are undoubtedly others in the large holdings of this library which will only come to light as the detailed cataloguing progresses.

⁴ See P. Glorieux, 'Les 572 questions du manuscrit de Douai 434', *RTAM* 10 (1938) 125-52, 225-67, for a detailed description of this manuscript containing the questions.

⁵ Possible sources of such questions have been examined, albeit not exhaustively, in libraries in Naples, Padua, Florence, Vienna, Oxford, London, Brussels, and Trier. This number does not include Guerric of St. Quentin's quodlibetal questions, whose edition I am preparing and which contain sections on Christ, nor his disputed questions on Christ, whose edition I am also preparing.

⁶ The effectiveness of such study for identification of authors has been shown in the case of Guerric of St. Quentin by the research of F. M. Henquin, 'Les écrits du frère Guerric de Saint-Quentin, O.P.', *RTAM* 6 (1934) 184-214, 284-312, 394-410, and idem, 'Notes additionnelles sur les écrits de Guerric de Saint-Quentin', *RTAM* 8 (1936) 369-88.

These include MSS. Lat. 483, 3237, 3454, 3572, and 3804 A. In general these manuscripts were written toward the end of the twelfth century and during the first half of the thirteenth century.⁷

Questions 1 and 2

These questions, both written in the same hand but lacking any indication of authorship, are found in MS. Lat. 3454, fols. 169v-170r and fol. 172r-v respectively.⁸ The gathering in which they are found, running from fol. 166r to fol. 175v and written throughout in the same hand, contains various theological questions and brief theological notes together with biblical and patristic texts.⁹ The writing is of the first quarter of the thirteenth century.¹⁰

Question 3

This brief anonymous question is also found in MS. Lat. 3454, on fol. 12bisv, the first of five smaller folios inserted after the larger fol. 12 and the equally larger fol. 13 of the manuscript. A similar addition, in the same hand and format, had already been made between fols. 4 and 9. These two sets of additions contain a series of short theological questions written in a late twelfth-century or early thirteenth-century hand.¹¹ On fol. 5v one finds: 'Dicit m. P. Pictavensis', which is undoubtedly an allusion to Master Peter of Poitiers. Our own question 3 refers to 'Magister P' (3); this is likely the same master, who died in 1205.¹²

Question 4

This anonymous question is found in another of the Saint-Martial manuscripts, now MS. Lat. 3572, at the end of a series of theological questions running from fols. 56ra to 63va. This particular question was added in a different hand from that of the other questions in this group and fills a blank space left at the end of this gathering. Our question begins on fol. 63vb and then moves into

7 See Bibliothèque Nationale, *Catalogue général des manuscrits latins*, 5 vols. to date (Paris, 1939-1966), as follows: 1.169-170 (for no. 483); 4.398-405 (for no. 3237); 5.423-438 (for no. 3454). For no. 3572 I was able to consult the page proofs of vol. 6 (pp. 224-47) through the kindness of M^{me} J. Schlafer of the library staff, who also generously supplied helpful information from her research on this group of manuscripts. See below, p. 25: *Addendum*.

8 The first question fills only the top half of 169v and then moves to 170r; the bottom half of 169v contains other theological notations.

9 *Catalogue* 5.435-36.

10 *ibid.*, p. 437.

11 See *ibid.*, pp. 428-29, for contents. Although the hand is said to be of the end of the twelfth century (*ibid.*, p. 437), it could be of the beginning of the thirteenth century. In any case, it is included here because its discussions are close to those of the thirteenth century.

12 See P. S. Moore, 'Peter of Poitiers', *New Catholic Encyclopedia* 11 (1968) 227. Moore says that Peter began his teaching at Paris in 1167 and became Chancellor of the University in 1193.

the half column of empty space left on fol. 63va. The question seems to be incomplete because it lacks responses to several arguments made by an opponent: it may be that the scribe ran out of space to complete the question. I have been unable to find the rest of the question elsewhere in the manuscript. The writing of this question is of the first half of the thirteenth century.¹³

Question 5

This anonymous question, our last from the Saint-Martial materials, is found in MS. Lat. 3804 A, fol. 223rb-vb, within a series of theological questions on various topics.¹⁴ It is written in the same thirteenth-century hand as question 4, a hand that differs from the hand of questions 1 and 2 and also from the hand of question 3.

Question 6

This anonymous question is found in MS. Lat. 3549, fol. 4va-vb. It is a relatively brief question copied in a large, clear, early thirteenth-century hand, and comes as the first of several theological questions and notes (fols. 4vb-5rb), which are then followed by an extensive series of sermons copied in the same hand (fols. 5va ff.).

Question 7

This anonymous question is found in MS. Lat. 15571, fols. 129vb to 130va.¹⁵ The hand is of the thirteenth century. The question is found in the final gathering of the manuscript, which contains a number of theological questions on widely varying topics. The four gatherings preceding this final one also contain many theological questions written in the same hand as that of the final gathering. Since some of the questions in these preceding gatherings have been shown to belong to Gueric of St. Quentin (d. 1245),¹⁶ there seem to be some grounds for

¹³ description in page proofs of *Catalogue* 6.229.

¹⁴ A detailed description of the manuscript and its contents is found in *Magistri Alexandri de Hales Quaestiones disputatae 'antequam esset Frater'*, ed. PP. Collegii S. Bonaventurae, 1 (Quaracchi, 1960), pp. 17*-21*.

¹⁵ Since the catalogue for this manuscript will not appear for some time, we give a more detailed description. It is 300 mm. in length and (with variations) 215 mm. in width. On the inside front cover in a modern hand: 'Ce manuscrit du 13^e siècle a été légué par M. Etienne d'Amiens et contient [major works are listed, a number of which are commentaries on Scripture: Psalms, Job, Canticle of Canticles (3 commentaries), Apocalypse] Volume de 134 feuillets plus les feuillets 1 et 2 préliminaires plus les feuillets 38 bis, 56 bis, 63 bis, 108 bis. 13 février 1869.'

The gatherings are as follows: 1-2, 3-10, 11-18, 19-26, 27-34, 35-39 (including 38 bis), 40-47, 48-55, 56-56 bis, 57-63 bis, 64-72, 73-80, 81-90, 91-100, 101-108, 108 bis-116, 117-124, 125-126, 127-128, 129-135 (fol. 135 is really fol. 131, misnumbered and misplaced).

¹⁶ See Henquinet, 'Notes additionelles' (above n. 6), 371-72.

thinking that our question comes from the second quarter of the thirteenth century. We shall see that the contents of the question tend to confirm this hypothesis.

Dates of the questions

With the possible exception of our question 3, whose hand may be of the end of the twelfth century, all these questions were copied in the thirteenth century. This does not of course preclude their having been disputed earlier than this. But since questions such as these do not seem to have had a long afterlife, it seems likely that they were disputed shortly before these transcriptions and therefore they probably come from the first half of the thirteenth century. In our description of the contents we shall try to indicate the probable date of the questions so far as internal evidence can provide a basis for judgment.

II. ANALYSIS AND INTERPRETATION OF THE CONTENTS OF THE QUESTIONS

In this section we shall try to analyze succinctly the main points developed in each of the questions and in each section within the questions.

Question 1: Why is the Son alone incarnate? Could the Father become incarnate?

Although the introduction to this question announces three different topics, only the first of these is examined, that is, why did only the Son become incarnate and not the Father or the Holy Spirit? Appended to this discussion (2-19) is a shorter consideration of whether the Father could become incarnate (20-25).

(a) Why is the Son alone incarnate?

In the first of these sub-questions, an opening argument maintains that all three persons should become incarnate since the works of the Trinity are indivisible and assuming flesh is such a work (2). Several arguments insist that it should be the Holy Spirit who becomes incarnate: re-creation and reconciliation are produced through the Incarnation, and these are works of mercy and goodness and also involve the gift of 'created grace'. But since mercy, goodness, and grace are attributed or related to the Holy Spirit, he should become incarnate to effect re-creation and reconciliation (3, 6, 7).¹⁷

¹⁷ To the argument that the Holy Spirit's becoming incarnate would mean two Sons in the Trinity (4), the counter-argument is made that it is far more unfitting that there be one Son of two diverse persons (Christ is Son of both God and the Virgin) than that there be two Sons of one God the Father: hence the 'two-sons' argument does not hold against the Holy Spirit's becoming incarnate (5).

Later on in this rather disorderly redaction it is argued that because the divine nature is united to the flesh, there is no reason to deny that the Father is united to the flesh. This argument is supported by an interesting point: nothing created is involved in the union of the divine essence to the flesh and therefore the Father is identical with the union and not distinct from it (14). A question that arose in the early thirteenth century concerned precisely this question whether the union was in some way created. We shall see more of this in our question 7.

In replying to this argument and to the opening argument about the works of the Trinity being indivisible, the author of the question makes the point that the Father and indeed the whole Trinity are active in producing the union in the Incarnation, but the persons of the Trinity united the human nature not to or in each of themselves as persons but only to or in the one person of the Son (15, 13). 'To be incarnate' implies the union of the flesh *to oneself*, and so the Father cannot be said to have become 'incarnate' (15). This solution echoes that already given by the Lombard, a solution that appears in more developed form in our question 7 and in other authors of the earlier thirteenth century.¹⁸

The author presents several positive reasons why only the Son should become incarnate. Since Equality is attributed to the Son and since Adam and the devil sought equality with the Most High, the Son of God was 'as it were the occasion of the ruin of each'; reparation therefore should be made through the Son rather than through another person (11). Likewise, Wisdom is attributed to the Son and since God, wishing to free the human race by justice rather than by power, used His wisdom to conceal the mystery from the devil, the Son who is Wisdom should be the one who is incarnate and not another person (12). Again, the Son is the first species and man the ultimate or last, and God's work of reconciliation involved bringing together the lowest and the highest or uniting the first to the last extreme. Therefore the Son, the highest and first, should become incarnate, that is, become man and so unite the extremes in Himself (16). Finally, since man was united to God in creation by God's Thought or Word through whom man was created and as the first creature thought of by God, so in his re-creation man should be united to God in similar fashion, that is, through God's Thought or Word (17). The argument is not so explicit as we have made it, but our interpretation is strengthened by the earlier reference, albeit in an opponent's argument, to the role of the Word in creation (7).

The author's responses about the Holy Spirit lack consistency. He says clearly enough that the Holy Spirit should not become incarnate because He would then be both spiritual and corporeal and thus two opposites would be in the same per-

¹⁸ See Lombard, *Sent.* 3.1.3, 2nd ed., 2 (Quaracchi, 1916), p. 553, and *Hyp. Union* 1.111-19; 2.175-85; 3.111-24; 4.123-31.

son (10).¹⁹ But in a later paragraph he remarks that in the Incarnation the works of the Holy Spirit, benignity and mercy, were more in evidence than the works of the Father, power and strength (18). Nothing is concluded from this observation, and the confusion is increased by the following paragraph, which argues that re-creation pertains to power since re-creation is a greater work than creation and so requires more power (19). One has the impression from this disorder that we have here a report of the actual dispute rather than the ordered redaction of the author after the school exercise.

(b) *Could the Father become incarnate?*

The question then moves on to the second sub-question: Could the Father become incarnate? In the earlier discussion about only the Son's becoming incarnate, the author had seemed to buttress his position by arguing that the Father has the property of not being from another, so that the Father could not become incarnate because He would then be from another (9). Other arguments tend in the same direction: it must have been unfitting for the Father to become incarnate because otherwise he ought to have; but any unfittingness in God amounts to impossibility and so it was impossible for the Father to become incarnate (21). This particular argument is immediately dismissed as fallacious (22).

Another argument plays on the term 'unbegotten' and asserts that if the Father were incarnate, he would be both begotten and unbegotten — two contradictory statements would be simultaneously true (23). Similarly, the Father would both be from someone if he were incarnate and would not be from someone (24). The author replies to both arguments by saying that there is nothing wrong with the Father's being unbegotten and from no one as God and his being begotten and from someone as man: he implicitly says that there is no contradiction so long as the opposed statements do not affirm and negate in the same respect, that is, with respect to the same nature. He also adds a final remark to overcome such difficulties: the Father could have assumed flesh by some other mode of union than by birth (25); in that case, he means, there would be no problems about the Father's being begotten or being from another.

Question 2 : Could the human race be saved or redeemed in another way than by the Incarnation of the Son of God?

The three sections of this longer question deal with the theology of redemption under these aspects: was it necessary for the Son of God to die for our redemp-

¹⁹ The argument is hardly convincing since the Father and Son are likewise spiritual even if the name 'Spirit' is appropriated to the third person.

tion? Could a 'mere creature' (*pura creatura*) have redeemed us? What of Augustine's statement that there was no more fitting way to cure our misery than Christ's death?

(a) *The necessity of Christ's death for our redemption*

The status quaestionis is established by a number of arguments based for the most part on patristic or medieval authorities. No other price than Christ was worth all men, so that no one but Christ could redeem us (2); no other name than that of Jesus Christ is given us for our salvation (3); authoritative texts say that if Christ had not died and redeemed us, man would not, even could not, be saved and therefore would perish (4, 7); Christ's death was predestined and prophesied and so had to take place (4-6).

In his main solution the author distinguishes a strict and a broad meaning of 'redeem'. Taken strictly, 'redeem' means paying a just, condign, or equivalent price for the thing redeemed or purchased back, but no mere man (*purus homo*) could equal in value the total charity of all men (10). Thus Christ's death was necessary for redemption in this strict sense. In a broader sense 'redeem' can mean 'liberation of any kind': in this sense, the author implies, man could have been redeemed without Christ's death. But, he adds, in that case it would have scarcely been possible for man to be saved because if God had redeemed man by his word alone or by another easier way, man might have contemned God's redemption, might have thought himself less indebted to God and therefore might not have avoided evil so much as he does when he contemplates Christ's death for him (11).²⁰

Three new arguments invoke in one way or another the idea that God of necessity has to do what is most fitting, most reasonable, wisest, and best, and since Christ's redeeming death is all of these, God of necessity had to redeem us in this way and in no other (13-15). The author replies that 'God could have redeemed the human race in another way, and if he had redeemed it in that other way, then that other way would be best. For whatever is done by God is done in the best way' Among God's works now one attribute and now another appears to us; in the case of redemption through Christ His mercy and justice are most evident (16). The author seems to mean that another way would have been best if God had so chosen because in that case other attributes of God (e.g., his power) would have appeared. But the actual way was best because it showed forth God's mercy and justice.

20 The arguments about prophecy are handled in the more general terms of the theology of prophecy such as it was developed in the early thirteenth century.

(b) *Could a mere man ('homo purus') have redeemed us?*

Several arguments conclude that a mere man could have redeemed us. Justice requires that the one who sinned make amends, and since a mere man sinned, a mere man should be punished to make amends (18). Adam's actual sin caused original sin in us, and since the cause is greater than the effect, Adam's removing the cause through 'sufficient' penance for his actual sin made satisfaction for the effect of original sin in us (19). Further, suppose that God were to create a mere man free of sin and not in debt to the devil and then allow him to be struck or killed by the devil. Would not the devil be required to free sinful mankind that was in his debt? In that case mankind would be saved without God becoming incarnate (20).

In his interesting reply the author reaffirms his distinction between redemption in the strict and the broad sense, then goes on to say that since a mere man would not equal all men in value, only the incarnate Son could redeem us in the strict sense. Regarding Adam's repentance, he says that although Adam repented and was forgiven his own sin, his posterity was not affected by his repentance and forgiveness. His most interesting remark is that through Adam's sin mankind's flesh was infected along with the soul, an infection and corruption that remain even after Adam's repentance. Therefore, to heal men's bodies as well as their souls, Christ's resurrection is necessary (22). This is a remarkable introduction of the theology of Christ's resurrection as an integral part of the theology of redemption. More details on it are given by the author in the following section.

(c) *The authoritative text of St. Augustine*

With respect to Augustine's statement that there was no more fitting way to heal our misery than Christ's death, eleven arguments are brought forth to show that this was not the most fitting way. They argue that it would have been more fitting for God to show his power by immediate forgiveness without so much effort (24-25), that Christ already merited salvation for us by his life and sufferings before his death so that it was unnecessary (26, 27, 29, 34), that God was unjust in allowing the innocent Jesus to suffer (28) and in deceiving the devil (31), that God lacked mercy in not preventing the sin of Jesus' killers (32-33).²¹

In his reply the author returns to the importance of Christ's death and resurrection in order to show the greater fittingness of the actual way redemption

21 Another argument, not replied to, says that in any case Christ did not redeem us as man but rather as God because no mere man was worth the whole human race. Therefore there was no reason for God to become man: if he redeems as God, he could do so without becoming incarnate (30).

was achieved. He first uses an example from civil contracts. When someone has given a vineyard as security for money loaned and then repays the loan, his creditor fails to restore the security for the loan unless with the vineyard he also returns the fruits derived from it.²² Similarly the Lord Jesus wished to restore the human race to God the Father in the integrity it had before Adam sinned. But, our author says, applying his example, Adam's original integrity included immortality (being able not to die), so that Christ had not only to restore good relations with the Father but also to destroy death for mankind. How was he to do this? Just as a drop of water added to a vast quantity of wine is annihilated and perishes in the wine, so death, when joined to that supreme life that is Christ, is annihilated, perishes, and, as Paul says, is absorbed in the victory of Christ's resurrection. '... And thus it was required that Christ assume death and die and rise again, so that when death has been destroyed, he might restore human nature to immortality through his glorious resurrection' (35). This is a remarkably concrete theology of redemption through Christ's corporeal death and resurrection. The citation of Paul is significant because our author's thought appears to reflect the so-called 'physico-mystical' theology of salvation found in the Pauline epistles but frequently ignored in medieval theology.

After brushing aside three of the arguments made against his position (36-37), the author returns to the resurrection theme, this time to reply to the more difficult arguments about Christ's merits prior to his death. The author admits these previous merits but maintains that Christ's death and resurrection were needed to merit our glorious resurrection. Meritorious acts prior to this were done out of charity whose movement, like the fire it is, looks above toward heaven and not below to the corruption of our earthly flesh. Hence they made the soul worthy of eternal life but did not merit bodily resurrection for us: for this Christ had to die. The author then adds a further reason for Christ's death, this one related to Christ's own glory: by His death Christ merited a greater glory for himself, the glory of soul and the glory of body, glory that he would not have had if he had not become human and risen and been glorified (38). Once again we see the author making a close link between the actual events of Christ's death and resurrection and their effects both in other men and in Christ Himself. On this note the question ends.

These first two Christological questions, written in the same hand and coming close together in the same gathering of the manuscript, could quite well belong to one person. Their originality on some points as well as their interesting use of

²² The author uses the phrase *tenere in vadio* and explains the practice, which differs from *vadium mortuum*, in which fruits could be retained by the creditor; see C. DuCange and L. Favre, *Glossarium mediae et infimae latinitatis* 8 (Paris, 1938), pp. 227-28, s.vv. *vadium* and *vadium mortuum*.

examples from law and daily life indicate that further research in the other questions within this gathering and in the other manuscripts of the Saint-Martial collection could be quite fruitful, especially if one were able to attribute a number of these questions to one author and find clues to his identity.

Question 3 : On unity.

A relatively brief discussion of Christ found in this question is set within a more general examination of unity. After a long list of definitions of unity (1), the author confines himself almost exclusively to the last type of unity or union listed, the union of dignity (*unio dignativa*), which is found in the Incarnation and in angelic assumption of bodies.

The main points about Christ are stated briefly. Although good angels by reason of their freedom are immune from guilt, from penalty, and from necessity, Christ is not immune from the necessity of penalty (3); this refers to the 'necessity' of His sufferings, a topic we have already met in the preceding question. The assumption of human nature in Christ makes the divine and human natures one by a oneness of person but not by a change of nature into nature (4).

Could God assume an angelic nature? The author replies that God could assume angelic nature but not an individual angel or an individual man. If that were possible, he argues, God could assume a second and third angel or man, with the result that they would be several (*plura*) and yet these several would be one (5). This argument about plurality in such a hypothesis states a problem examined by William of Auxerre and others in the early thirteenth century.²³ Because the author indicates that he would not accept the idea of an assumption of *aliquis homo*, he ranges himself with the opponents of the Assumptus-Theory of the Incarnation.²⁴

The scribal hand, the relative simplicity of the argumentation, and the quotation of 'Magister P' (3), who is in all probability Peter of Poitiers,²⁵ indicate that this question comes at the latest from the early years of the thirteenth century.

23 See William of Auxerre, *Summa aurea* 3.1.1.5 (*Hyp. Union* 1.261-63). See also Hugh of Saint-Cher, *Sent.* 3.12.7-13 (*ibid.* 3.226-27; cf. 91-92). Although the discussions are related to our question, they are not precisely on the same point: William and Hugh ask about plurality if several human *natures* were assumed by God; they would agree with our question that several individual men (*homines*) could not be assumed. But they would hold, if several natures were assumed, that the Son of God would be several even while being only one person.

24 On these discussions and theories see *Hyp. Union* 1.9-10, 64-78.

25 See above p. 3.

Question 4 : Could the Father become incarnate? Is the Son of God man?

This question, still from the Abbey of Saint-Martial collection, devotes more attention to a problem already seen in our first question, that is, could the Father become incarnate? Examination of the second problem, whether the Son of God is man, is left incomplete in the manuscript since of the four opening arguments only one receives a reply. This is all the more significant in that in the two sections of the question the author gives no main solution and simply indicates his own position by his replies to the introductory arguments.

(a) *Could the Father become incarnate?*

Since most of the arguments against the Father's being able to become incarnate point to inconsistencies with the Father's personal properties and to resulting problems in predication, we can go to the heart of the author's position by looking at his more detailed discussion of predication of human properties with respect to the Father. His response here is in fact the closest thing to a solution giving his fundamental principles.

An argument is made that adjectives opposed to the properties of the Father cannot be predicated of him. Predication about the divine essence is introduced as the key to the argument: the divine essence is said to be incarnate (this issue, once debated, has apparently been settled by the time of this question),²⁶ but the divine essence is not said to be born or to have suffered because it is from nothing: such predicates would contradict this property. But the Father also is from nothing; therefore adjectives opposed to his properties (such as 'becoming incarnate') cannot be said of him (5).

Our author replies that such terms cannot be predicated of the divine essence 'because it is most abstract', so that such predicates would be said of the divine essence in itself: the divine essence would be said to have suffered or to have been born in itself. But the persons of the Father or Son are not 'so greatly abstract', so that predicates like these are said of them not precisely as Father or Son but accidentally. Thus if the Son can be said to have suffered or to be sent or to be less than himself by accidental predication, so could the Father, if incarnate, be said to be sent or to be from someone or something: these would be said of him as belonging to the man who is the Father (6). It should be noted that predication *per accidens* as used by the author in no way implies that he thinks the union in the Incarnation to be accidental. One finds such terminology in authors of the early thirteenth century who vigorously deny an accidental union.²⁷

²⁶ See *Hyp. Union* 1.111-16, 223 (n. 2).

²⁷ See below q. 5.28, which might have the same author as the present question; see also *Hyp. Union* 1.94-96, 96-100 (for the history of the problem), 2.99-102, 144-45, 3.94-95, 100-103.

With this general principle in mind the author meets the challenges presented by many of the arguments: if the Father were incarnate, it is objected, the Father would become creaturely and be subject (1); there would be two Sons (2); he whose property is to be from nothing or no one would be from something or someone (3); the Father would be 'from a principle' whereas he is solely principle (4); he would be 'made less' (*minoratus*) (7); he could be said to be 'sent' by the Son and the Holy Spirit (10). Our author replies to each of these arguments by saying that the terms may not be applied to the Father as Father or according to his divine nature, but they may be said of him according to the human created nature (15-18, 20).²⁸

One argument and reply is interesting for the introduction of the notions of potency and act into this discussion. The argument opposing the author states that that being is truer being which has no mixture of non-being, including even potential non-being.²⁹ Now to be able to be man involves a mixture of at least potential non-being since man necessarily has some mixture of non-being. Therefore the Father, who is most truly being, could not become man (8). In his reply our author extends the principles he has already used and also insists on the distinction of natures in the union: the Father would still be most truly being as God and in him there is no admixture of non-being, whether actual or potential. It is true that if the Father were to become a creature precisely as creature, he would no longer be most truly being, but this would not happen if he became incarnate, and so the objector's principle holds true and yet the Father could become incarnate (21).

Another interesting argument seeks to show that because God can will only the good and because God the Father did not in fact will to be incarnate, he could not become incarnate. The argument is based on the premise that 'in God the object of power and goodness in the same' (9), that is, what God did not will, he could not do. Our author disposes of this argument by denying its premise: good in act (*bonum actu*) is the object of God's will, whereas the object of his power is the good common to good in act and habitual good (*bonum habitu*). Therefore, he concludes, it does not follow that if God does not will something, he cannot do it (22).

28 Concerning the Father's being 'sent' (10), the author does not hold that the Father could be sent according to the assumed human nature. Rather, he rejects the interpretation of Augustine used by his opponent: Augustine, he insists, allows for the possibility of the Father's becoming incarnate but denies that this would involve the absurdity of saying that the Father is sent by the Son and Holy Spirit. The text, however, seems to worry him because he gives two other possible interpretations in order to eliminate the argument based on it (23).

29 Philip the Chancellor is important for the use of potency and act at this period; see *Hyp. Union* 4.28-30, 41-42, 53-55 (close to our text), 81-85.

(b) *Is the Son of God man?*

Four arguments seek to show that the Son of God is not man. The first applies the author's own principles about predication: to say that the Son of God is man is to use accidental predication because the predicate ('man') is not of the essence of the subject ('Son of God'). But in accidental predication the predicate is said of the subject 'by way of concretion' (that is, as one element of the concrete whole that is the subject and not as identical with it). In the case at point, then, the meaning of 'the Son of God is man' is 'the Son of God is made human (*humanatus*)' (11): his being human is one quality of the concrete subject who is the divine person.³⁰

The author replies that the principle evoked is true in things of nature where there is no case of one hypostasis being in two natures (24). He means that in Christ, where there is indeed one hypostasis in two natures, this rule of speculative grammar does not apply. No further explanation is given, but it is obvious that our author wishes to maintain that the Son of God is man properly speaking without any shift in meaning such as that urged by his opponent.

This is the only response made by the author to the four arguments. It is unfortunate that we do not have the rest of this truncated question because the other arguments introduce interesting points: one uses the notion of the union as a relation between diverse things (here, the Son of God and the man in Christ) in order to deny the statement (12), while another introduces the question whether Christ as man is something (*aliquid*) and whether Christ is one or several: Christ is *aliquid* as man and *aliquid* as God and so is not one but more than one, and so God is not man (14).³¹

We shall see more of these problems in parts of our question 5, which could be from the same author since it is from the same collection of materials and is written in the same hand; these facts, of course, are insufficient of themselves to establish identity of authorship. In any case, one notes a certain philosophical sophistication in the present question that may indicate its date as somewhat later than our first three questions.

Question 5: On the assumed nature

The different sections of this question examine some of the most crucial problems about the mode of union in Christ such as they were discussed in the first part of the thirteenth century within the framework of the 'three opinions'

30 On 'concretion' see *Hyp. Union* 3.39-40 (including n. 6), 165 (no. 14).

31 The author's reply (24) implicitly replies to the third of the four arguments (13), which denied that God and man are numerically identical: his insistence on the unity of hypostasis in the two natures could serve as a support of numerical identity.

on the Incarnation, that is, whether a man was assumed, whether Christ as man is something (*aliquid*), and whether Christ is one or two.³²

(a) *Did God assume a man ('hominem')?*

This section opens with four arguments from authorities supporting use of the term *homo* to designate that which was assumed (1-4). The next four arguments all argue variously that the body and soul of Christ were joined to each other when they were assumed and because the joining of body and soul makes a man, the Son of God assumed a man (5-8). Some authors, says the next argument, would hold that this position is denied because 'the one assuming is not that which is assumed', but, it asks, what is wrong with this? Whatever is said of that man is said of God and vice versa, e.g., the Creator is a creature. Why cannot it be said that the one assuming is the one assumed? (9)

The author of the question handles this last argument first; he simply states that each opinion³³ takes this statement, *assumens non est assumptum*, as a principle or starting point that is beyond question. Those holding that human nature rather than a man was assumed (and this is his own position) argue from the circumstances of Christ's death. All authoritative texts deny that in his death the Son of God laid down what he had assumed. Now it is clear that he laid down 'the conjoined' (*conjunctum*) when he died (that is, the body and soul united to each other), and if one said that it was 'the conjoined' that was assumed, one would be opposing the authoritative texts: one would be saying that in fact he did lay down what he had assumed (10; cf. 13).

Turning to the authoritative texts that use *homo*, our author says they really mean 'human nature'. He gives an interesting reason why *homo* is used so often by such authorities: in so doing, he says, they insinuate that not human nature but rather man is made God (11). In other words, he sees such usage as directed against Monophysite tendencies. The other authoritative texts receive similar 'benign interpretations' (12-13). One interesting passage distinguishes between *assumere* and *factus est*: the former signifies the beginning of the process, the latter the terminus or completion of the assumption. Hence one can say that the Word became a man because a man is the terminus of the assumption but not that the Word assumed a man (12; cf. 14), as if a man were already there at the beginning of the assumption.

The author in all this fails to give any profound reasons for his dislike of the expression, 'God assumed a man'. The authoritative text concerning Christ's

32 On these and related problems see *Hyp. Union* 1.71-103; 2.97-141; 3.59-98; 4.89-107.

33 The author here seems to refer only to the first two opinions, the so-called 'Assumptus-Theory' and 'Subsistence-Theory'. The third opinion or 'Habitus-Theory' enters later (33). On the theories see *Hyp. Union* 1.9-10, 64-78, with notes.

death and grammatical analysis are his main arguments. He makes no mention of the usual fear that to speak of God assuming a man would imply the existence of a human person who was assumed.³⁴ This fear may, however, be implicit in his distinction between *assumere* and *factus est*.

(b) *Is Christ as man something ('aliquid')?*

Our author clearly teaches that Christ as man is something (*aliquid*), that is, that his human nature is something substantial. Much of his discussion, however, is taken up not with opponents of this position but with certain *magistri* who also accept this position but who explain difficulties by asserting that Christ's human nature in the union 'degenerates into an accident' (18; cf. 17). This position was first developed by William of Auxerre (who, however, is not named) and was followed by others attempting to show how Christ could be one even while having both a divine substance or *aliquid* and a human substance or *aliquid*.³⁵ The author, however, dislikes this solution. No matter how one understands it, he says, a nature that degenerates into the category of accident predicates nothing substantial but only a quality or other accidental category; thus in fact Christ would not be something (*aliquid*) or a substance as man (19); in Christ the divine nature is united to his soul and body in ways differing from the inherence or adherence of accidents (20); the human nature is bettered, not worsened, in the union and so does not 'degenerate' (21); Christ as man is *quid* according to individual *esse*, and this cannot degenerate into an accident (22); 'man' in Christ retains its true meaning and so designates substance, not accident (23). These arguments are forceful, but the author may exaggerate the import of the expression used by William and others, for they did not mean that Christ's human nature is really less than other human natures or is an accident.³⁶

Next follow two arguments denying that Christ as man is *aliquid* or that humanity in Christ is in him in an essential mode: the first uses a frequently quoted text of John Damascene to insist that 'man' has a different meaning for Christ than it does for other men and therefore is not substantial (*quid*) (24); the second argues that since a specific difference like rationality added posteriorly to a genus like animal is accidental to that genus, Christ's humanity, coming to the Son of God after he is God, is in him accidentally even though it is essential to him as man (25).

Our author's main solution insists that Christ as man is *aliquid*; he gives no reasoning for this but simply relies on the ecclesiastical condemnation of any

34 See *Hyp. Union* 1.66-68, 75-78; 2.104-109.

35 See *ibid.* 1.94-96, and *Prolegomena to Alexandri de Hales ... Summa theologica seu sic ab origine dicta 'Summa Fratris Alexandri'* 4 (Quaracchi, 1948), pp. 239*-40*.

36 See *Hyp. Union* 1.94-100; 3.101-103.

denial of this position (26; cf. 15). Christ's unity within a plurality of natures is to be defended not by teaching the humanity's 'degeneracy into an accident' but by insisting on the unity of hypostasis in Christ: the natures in Christ are all in one hypostasis and Christ is one by reason of this, his natures being numbered from this unity of hypostasis (26). The author quickly dismisses the two opposed arguments as misrepresenting Damascene and as wrongly applying logical principles to the unique case of Christ (27-28).

(c) *Is Christ two?*

This problem, hotly debated in the thirteenth century, has already appeared in the preceding section, and now it is faced directly. The opening arguments say that Christ is two because the two diverse substantial differences in him make him one thing and another (*aliud et aliud*) and therefore two (29); the diverse natures, producing diverse actions, make him two *quid*'s (30); if one says (William of Auxerre's position seems in view) that in Christ the nobler difference (the divine nature) makes him *quid* so that there is only one *quid* in him (31), this is insufficient: after all, Christ as man is *quid* and this *quid* is either the divine *quid* become man or another; if it is the divine *quid*, God became this *quid* (a position to be rejected); if it is another *quid*, then Christ is two (32).

This first series of arguments represents the approach of the first opinion or Assumptus-Theory of the mode of union. The following three arguments seem to derive from the third opinion or Habitus-Theory. The first of these denies that 'man' in the case of Christ predicates a substance of God even though it might be considered a substance in itself; it is like a garment that, even though substantial in itself, does not predicate a substance of its wearer (33); the second holds that the humanity of Christ comes to the divinity by way of accident (34); the third says that the humanity coming to God draws it to another genus (35). The point of these arguments from the Habitus-Theory is to eliminate the duality problem by eliminating the substantiality of the humanity with respect to the divinity so that it would not be numbered as a second *quid* added to the *quid* of the divinity.³⁷

These arguments from the Habitus-Theory find no responses in our author's question. Perhaps the question in our manuscript is incomplete, but it is more likely that his insistence on a human *aliquid* in Christ in the preceding section was sufficient in his mind to eliminate these arguments in their very root. In any case, his responses are directed to the series of arguments deriving from the

37 See *Hyp. Union* 1.204-206 (nn. 55-56), and W. H. Principe, 'St. Thomas on the Habitus-Theory of the Incarnation' in *St. Thomas Aquinas, 1274-1974: Commemorative Studies*, ed. A. Maurer et al., 1 (Toronto, 1974), pp. 398-401.

Assumptus-Theory. Christ is not *aliud et aliud* because the union in him is not that of accident to accident but of humanity to deity (36). Diversity of actions does not necessarily imply diversity of natures but can also come from diversity of time, place, or matter (37). The dilemma posed by the third opening argument is answered by his saying that one *quid* is the other *quid* and yet one cannot say they are identical since one is created and the other uncreated (39). Two other replies to arguments that are not given and that were undoubtedly omitted by the reporter simply point out fallacies in proof or in supposition (38, 40).

It must be said that the author's responses are neither very clear nor entirely convincing. The second of them (37) could endanger the distinction of natures in Christ. The answer to the third (39) needs further explanation: the author is likely pointing to the unity of hypostasis he had insisted upon earlier (26) as the reason why one *quid* can be the other without their being identical. Undoubtedly for him the unity of hypostasis is the basic reason for the unity of Christ within a diversity of substantial natures.

Internal evidence such as reference to William of Auxerre's original position, the introduction of potency-act relationships, and certain types of argument seem to indicate that this question comes from at least the third decade of the thirteenth century.

Question 6 : On the state of Christ in the three days of his death

This short question examines several problems concerning the state of Christ at the time between his death and resurrection. The main topic, however, is the often debated question whether at that time Christ was a man, a question turning on the issue of what constitutes a man.³⁸

The author maintains that two unions must be considered in Christ, that of the divinity to the humanity and that of his body to his soul. The former makes him a man, the latter makes him alive. In Christ's death the union of body and soul was dissolved and so he ceased to live, but the union of divinity and humanity was maintained and therefore he remained a man (5). But are not soul and body the parts constituting man and does not their separation mean that Christ was not a man at that time? (9) No, replies the author: the case of Christ is different from ours. In Christ there are three elements, divinity, body, and soul, but in us only two, body and soul. The union of body and soul in Christ did not make him a man (10); rather, as we have seen, he was a man by reason of the union of divinity and humanity.

³⁸ For the discussion especially in the twelfth century see A. M. Landgraf, 'Das Problem *Utrum Christus fuerit homo in triduo mortis*' in his *Dogmengeschichte der Frühscholastik* 2.1 (Regensburg, 1953), pp. 273-319.

Another argument insists that this is impossible because Christ's soul was in hell and his body in the grave ; but the union of divinity with either body or soul did not make Christ man, and so Christ was nowhere a man at that time (15). Our author replies with a somewhat unconvincing instance: does a man fail to be a bigamist if he has one wife in one city and another in another, but never two wives together with him at the same time? (16) He disposes of arguments based on authoritative texts that speak of a separation of divinity from humanity during the triduum by saying that Christ did not lay aside or leave the man: he is only said to have done so because he refused to protect the man from death when he could have done so (6). In other words, the separation was moral, not physical.

Two other questions occur about Christ's state at the time of his death and burial. The first asks whether it could be said that 'something (*aliquid*) dies'. If so, it is argued, one could say that the Father died (7). The author rejects the statement because *aliquid* refers to substance; what can be said, he affirms, is that 'someone (*aliquis*) dies' because *aliquis* refers to a person (8) — a person does die in the human nature. The second question asks whether Christ could hunger and thirst at that time. It would seem he could if he were a true man (13), as the author holds. But the author replies that hunger and thirst are consonant only with a union of body and soul, and because the union was lacking at that time, Christ could not hunger and thirst (14).

When it is asked whether Christ was passible or mortal at that time or impassible or immortal (11), our author replies that none of these can really be predicated of him: Christ could not suffer and die at that time and so he was not passible or mortal; yet he was a dead man at that time and so was neither impassible nor immortal (12).

This question, relatively simple and lacking in sophistication, seems to be of the very early thirteenth century. Later in that century theologians generally took an opposed position by denying that Christ was truly a man in the three days of his death.³⁹

Question 7 : On the union of divine nature with human nature

The first section of this question examines the more traditional problem whether the divine nature assumed human nature, whereas the second and third sections examine topics that came to the fore only in the third and fourth decades of the thirteenth century, namely, what is the one reality resulting from the coming together of the human and divine natures, and was there any medium

³⁹ See *Hyp. Union* 1.89-92, 216-17, 293-302, 2.195-205, 3.231-33, 4.133, 176; F. Pelster, 'Der Oxforder Theologe Richardus Rufus O.F.M. über die Frage: "Utrum Christus in triduo mortis fuerit homo"', *RTAM* 16 (1949) 259-80.

disposing the soul of Christ to be one extreme of the union? These topics were elaborated especially by Alexander of Hales and Philip the Chancellor in that period.⁴⁰

(a) *Did the divine nature assume human nature?*

Our previous studies of the theology of the Hypostatic Union in the early thirteenth century have shown how the major theologians gradually worked out several meanings of 'assume' and thereby clarified the issues concerning the divine participants in the union.⁴¹ The author of this question seems to participate in or benefit from this work of clarification, for he handles this first question with relative ease. 'To assume' in its proper sense, he says, means to take *in* oneself and *to* oneself as a *part of oneself*, and in this sense it was the *person*, the Son of God, who assumed human nature to himself and in himself. Less properly, 'to assume' means to associate with oneself: in this way one can say that the divine *nature* assumed human nature, that is, associated or united it to itself but not in itself but only in the person of the Son. Even less properly, 'to assume' means to take for some purpose, as for some duty or office: thus a lord assumes a servant, and in this way the Holy Spirit assumed a dove. Therefore, he concludes, to say that the divine nature assumed human nature is to speak less properly (7).

With these distinctions at hand, the author disposes of the fairly numerous and complicated arguments holding it to be impossible for the divine nature to assume human nature: they take 'to assume' in the strictest sense and so think it would mean that all three persons would assume as persons (2, 3), that the divine nature would then be said to have suffered and died (4, 5), and that the immutability of the divine nature would mean that the assumption always took place (6), that is, did not begin at a certain moment of time. In his replies the author invokes the distinction of the person or hypostasis of the Son as the one in whom the assumption takes place from the nature as that which associates the human nature to itself in the Son (8, 9). This distinction also helps him dismiss the arguments holding that the divinity could be said to suffer or die (11, 12). He holds that the one uniting and what is united are not entirely identical, as one objector supposed: they are identical in reality but not in reason, for the person of the Son is identical in reality with the divine essence but differs from it by reason. The essence is solitary (only one) but also communicable (to the three persons), whereas the person is not solitary (there are three, he means) but is incommunicable as to properties; thus the person of the Son does not have the properties of the other persons and therefore the mode of union cannot be

⁴⁰ Detailed references will be given in the following notes.

⁴¹ See *Hyp. Union* 1.75-78, 87-89, 117-19; 2.180-82; 3.117-20, 191-93; 4.126-28, 178-79.

multiplied such that the Father and Holy Spirit could assume in the same way the Son does in the particular Incarnation being discussed (10). As for the argument that the assumption would have had to take place always, he replies that this consequence does not follow in the case of the divine will (*voluntate non subiecta*) where God's will is the same as himself and where God himself is the object of his willing and activity (13). What the author seems to mean is that the condition of the divine will and willing leaves no room for change of any kind: God wills himself and the union for himself in one eternal act, but this does not mean that the effect must take place eternally or that when it does take place there is a change in God.

Throughout this first section one sees a clear awareness on the part of the author that the union accomplished by the divine nature or the three persons is terminated primarily in the person or hypostasis of the Son and only by association with the divine nature itself. Only in this second less precise sense can one say that the divine nature assumes human nature.

(b) *In what does the human nature come together with the divine nature as in one reality or as in some united reality?*

As has been said at the start of our summary of this question, Alexander of Hales and Philip the Chancellor developed certain detailed analyses of the way Christ's union is to be classified among the various categories of unity. This section of our question is closely related to their discussion, especially to Philip's; indeed, the resemblance with Philip's presentation is at times so striking as to raise the question whether there is some interdependence.⁴²

The arguments all try to show that there are insurmountable problems about speaking of some one reality arising from the union of the natures. The first argument works through the Aristotelian and Boethian divisions of the one to insist that the union of the natures must be a oneness *per se* rather than *per accidens* and must be, among *per se* onenesses, a oneness in number rather than in species or genus. But oneness in number for Christ must be a oneness by difference rather than by name or by accident and, it is argued, since anything one by difference must also be one in species or genus, this leads us back to the oneness of a common nature — something to be rejected in the case of Christ (14).⁴³ Thus the union seems to fit no category of the one.

Perhaps it might be said, the argument continues, that the one reality was produced (*factum est*) out of the one uniting and what was united (14). But this would not do: when someone or something does the uniting, it does not become

42 See *Hyp. Union* 2.145-50; 4.93-100, 108-11, 169-73. Detailed comparison would take too much space to do here.

43 Cf. *Hyp. Union* 2.147; 4.109-10, 171.

that one reality which results from the parts (examples are given: the mediate spirits uniting soul and body; the point uniting two lines, an example also found in Philip). If the Son of God does the uniting, he cannot be that one reality resulting from the union of natures (15).⁴⁴

A third argument maintains that if the two natures are united, the union in which they come together is a creature, so that they come together in a creature (16),⁴⁵ an unsatisfactory position. The fourth says that in the union the relation on the part of the human nature is a creature. But since every relation has a corresponding correlate, there will be such a corresponding correlate on the part of the divine nature. But this would mean either that there is a created property in the deity or, if this is denied, that the coming together in the union would be in a creature (17).⁴⁶

The author of the question states his basic position quite simply: the divine and human natures are united in the person of the Son of God and his person is that one reality which comes from the union of the two natures. How can the divine person come from the union, we might ask? He answers this by saying that the person of the Son of God in the union is a composed person after the union whereas before the union it was simple (18). One recognizes the terminology of the second opinion or Subsistence-Theory, terminology that was continued and developed by many thirteenth-century authors, Philip the Chancellor among them; it maintained the continuing simplicity and immutability of the person but saw the person as 'composed' in that it subsisted in a new nature.⁴⁷

Turning to the first argument in this section, our author says that the unity in the Incarnation involves a oneness *per se* and a oneness by number, but he rejects the attempt to reduce such a oneness to that of a common nature by saying that in Christ the oneness is not by essential number but by personal number: it is not a *numerus naturae* but a *numerus moris*, which is not contained under anything else. The person as such is not contained under any genus, species or difference; the person is not like a singular falling under the category of the common nor like an individual of nature falling under a species, but is a moral individual (*individuum moris*), which falls under no category (19).⁴⁸ Thus for the

44 Cf. Philip's statements in his *Quaestiones de Incarnatione* 2.6-7 (*Hyp. Union* 4.171).

45 Philip develops this argument more fully *ibid.* 2.2 (*Hyp. Union* 4.169).

46 Cf. Philip, *ibid.* 2.8 (*Hyp. Union* 4.171).

47 Cf. the text here with Philip in *Hyp. Union* 4.110-11 (and texts quoted). On *persona* or *hypostasis composita* see *ibid.* 1.87-93; 2.126-33; 3.73-78; 4.97-107; 183-88.

48 The text also mentions 'persona re sub unibili': if this reading is correct (the text has *personare* as one word), it would seem to mean that the person as a reality (in the order of nature as opposed to the person in the moral order — *individuum moris*) is in the category of the unitable. Another possibility is that the correct reading is *personale*.

Cf. *Hyp. Union* 2.147; 4.110-11. The author here is closer to Philip, who has a similarly more detailed reply than Alexander's.

author the uniqueness of the person and the person's incommunicable unity are crucial.

To the argument, reinforced by the examples of mediate spirits and a point uniting lines, that what unites is not the reality resulting from the union, the author replies that what is said about unions in general does not apply to the unique case of the Incarnation: here the Son of God is not only that through which and in which the union takes place but is also that which is united (20).⁴⁹

As for the argument that the coming together would be in a creature, two replies are given. First, the natures do not communicate in the union formally or by a community of property (to admit this would be to accept the opposed argument); rather, they communicate only through an effect, the natures communicating in the effect that the human nature is united to the divine nature. As an example he points out that God and Peter communicate in justice as an effect but not as a property, for justice is identical with God but accidental to Peter. Second, the natures in fact do not communicate in the union because the union is active on the part of the divine nature and passive on the part of the human nature (21): this seems to mean that although the natures are united, the union takes place under different aspects for each nature so that there is a lack of total identity in the union.⁵⁰

The final argument about the need for a relation in God corresponding to the created relation in the human nature is met by the author's saying that this principle of mutuality of relations holds only where a property is found in each extreme. But here it is found only in one extreme and so the argument does not hold (22). It is not entirely clear what this property is that he refers to, but from the previous paragraph and from a similar discussion in Philip the Chancellor it would seem that the property is that of the human nature.⁵¹

(c) *Was there a medium disposing the soul of Christ to be an extreme of the union?*

Discussions of the Incarnation as a freely bestowed gift of God had led theologians to coin the term 'grace of union', and this term soon led them to raise the question asked here: is the grace of union simply the union considered as the free gift of God or does it also involve some disposition in the soul of Christ, something mediating between the soul and the divine person that would make his soul more fitted for union than other souls?⁵²

49 Cf. Philip, *Quaest. de Inc.* 2.9-10 (*Hyp. Union* 4.171-72).

50 Cf. Philip, *ibid.* 2.5 (*Hyp. Union* 4.171): his position is slightly different from that of our author.

51 See Philip, *ibid.* 2.12 (*Hyp. Union* 4.173).

52 See *Hyp. Union* 1.105-109, 137, 2.157-73, 218-19, 3.104-10, 4.114-22; A. M. Landgraf, 'Die Stellungnahme zum Adoptionismus' in his *Dogmengeschichte* (above n. 38) 2/2.7-43; Rohof, *La sainteté* (above n. 1); Vugts, *La grâce* (*ibid.*).

The opening arguments of this section of question 7 insist that some such gracious disposition must have been present as a kind of medium between Christ's human soul and God. Two texts attributed to Augustine but that seem to derive from Origen are quoted to support this position; the second of them argues that such a disposition was required to account for Christ's impeccability (23-24).⁵³ A third argument bases itself on Augustine's theology of vestige, image, and likeness to conclude that every association or union of human nature to the divine nature takes place through a mediating property that is grace (25); this argument would include the Incarnation among them.⁵⁴

Our author attacks this third argument at once: it would mean, he says, that Christ's human soul would have a union with God of the same genus as that of other justified humans and that his grace of union would simply be more excellent than theirs while being of the same genus (26). He also rejects such a mediating disposition because it would have to be a habit of either knowledge or virtue, but since such habits follow on the existence of their subject, Christ would then exist before he had the mediating and disposing grace for the union that they speak of (27), an obvious contradiction.⁵⁵

To their counter-argument that this grace would be very special and indeed not of the same genus as that of other men (28-29), the author answers that if God is united to the soul through grace, He is not united properly to the soul in itself but rather to the graced soul or to the soul under grace, and such ways of speaking are unacceptable (30).

Another series of comments shows the author accepting a correspondence between excellence in natural goods and excellence in grace. On this basis he accepts the statement that since Christ's graces were supreme and unmeasured, his natural goods were likewise at the highest level. But since Christ lacked no natural goods and since his soul was communicable and unitable according to natural goods, it needed no mediating grace to be united (31, 32).⁵⁶ He adds that what is at the highest level cannot be capable of any further improvement (33), thus reenforcing his position that the soul of Christ, which is at the highest level, could not be enhanced for the union by any mediating grace or disposition.

Two final arguments are brushed aside quickly. The first holds that Christ's body requires a medium for union to his soul (this medium would be the 'mediate spirit' mentioned earlier [15]), and so likewise his soul should have a medium for union with the divine nature which, after all, is further distant from the soul than is the body from the soul (34). The author simply replies that the joining of soul

53 The second of these texts is quoted by Philip, *Quaest. de Inc.* 2.20 (*Hyp. Union* 4.175), but he explains the grace of union differently.

54 A similar argument is given by Philip, *ibid.* 2.15 (*Hyp. Union* 4.174).

55 Again, Philip has the same argument, *ibid.* 2.16 (*Hyp. Union* 4.174).

56 Philip's position is basically the same but is developed more precisely; see *ibid.* 2.19 (*Hyp. Union* 4.174-75).

and body is natural, whereas this is not the case in the union of the soul to the divine nature (35): he seems to mean that the union of body and soul takes place on a physical level where a physical medium is required but that the union of the soul to the divine nature is of a different and higher order not requiring such a physical medium, so that the analogy fails. When this is countered with a second argument that the entire uniting was miraculous (implying that even the union of body and soul in Christ was not simply natural, as the author holds), the reply is that the conception and instantaneous organization of Christ's body was miraculous but that once these took place, the soul was then united to the body naturally (36).⁵⁷ This reply maintains the distinction between the two unions that has just been made to defend the lack of need of any mediating disposition. Here the question ends.

We have already suggested that the manuscript evidence points towards a relatively later period for this question; the novelty of topics discussed and the increased maturity of the argumentation, sometimes closely related to Philip the Chancellor's ideas, give added weight to the supposition that this question must be dated at the earliest as of the fourth decade of the thirteenth century.

57 There is a slight similarity between the principles of the author in this discussion and Philip, *ibid.* 2.21 (*Hyp. Union* 4.176).

Addendum: The following article on the Saint-Martial manuscripts appeared after this article was already at the printer's: J. Schlafer, 'Remarques concernant quelques manuscrits universitaires de l'Abbaye St-Martial de Limoges copiés par Jean Le Limousin', *Archives d'histoire doctrinale et littéraire du moyen âge* 42 (1975) 143-46.

III. EDITION OF THE TEXTS

In our edition emendations have been kept to the minimum required to correct obvious errors or to clarify the text; these have been indicated in the text itself or in the notes.

Since these texts are of interest mainly to those interested in theology and philosophy and since they offer nothing of special paleographical interest, the medieval spelling has been normalized according to classical usage, e.g., *ae* for *e*, *tio* for *cio*, *v* for *u*. A few unusual spellings have been found, however, and these are noted when they occur.

None of the manuscripts is corrected by a second hand, so that the abbreviation 'MS' always refers to the first hand of the manuscript.

In the references the following abbreviations will be used:

- Anselmus, *Cur Deus homo* = *Cur Deus homo*, ed. F. S. Schmitt, *S. Anselmi Cantuariensis Archiepiscopi opera omnia* 2 (Rome, 1940), pp. 37-133.
- apud Lyranum = *Biblia sacra cum glossa ordinaria et glossa interlinearis ... et postilla Nicolai Lyrani*, 7 vols. (1, 3, 6: Paris, 1590; 2: Venice, 1603; 4, 5: Lyons, 1545; 7: Lyons, 1590).
- Bernardus, *De consid.* = *De consideratione ad Eugenium Papam*, edd. J. Leclercq et H. M. Rochais, *S. Bernardi opera* 3: *Tractatus et opuscula* (Rome, 1963), pp. 379-493.
- Boethius, *De Trin.* = *De Trinitate seu Liber quomodo Trinitas unus Deus ac non tres dii*, ed. E. K. Rand, *Boethius: The Theological Tractates* (London-New York, 1919), pp. 2-30.
- Boethius, *Contra Eut.* = *Liber contra Eutychem et Nestorium*, ed. E. K. Rand (*ibid.*), pp. 72-126.
- Damascenus, *De fide orth.* = Joannes Damascenus, *De fide orthodoxa*, in PG 94. 781-1228; versio latina ed. Eligius M. Buytaert, *De fide orthodoxa: Versions of Burgundio and Cerbanus* (Franciscan Institute Publications: Text Series 8; St. Bonaventure, N.Y.-Louvain-Paderborn, 1955).
- Hyp. Union* = W. H. Principle, *The Theology of the Hypostatic Union in the Early Thirteenth Century*, 4 vols. (Toronto, 1963-75): see above n. 1.
- Lombardus, *Sent.* 1 = Petrus Lombardus, *Sententiae in IV libris distinctis* 1: *Prolegomena, Liber I et II*, edd. PP. Collegii S. Bonaventurae ad Claras Aquas, 3rd ed. (Grottaferrata [Rome], 1971), liber 1.
- Lombardus, *Sent.* 3 = Petrus Lombardus, *Libri IV Sententiarum*, edd. PP. Collegii S. Bonaventurae, 2nd ed., 2 (Quaracchi, 1916), liber 3.

<Quaestio 1>

<Quare solus Filius sit incarnatus, et utrum Pater potuit incarnari>

1 Primo quaeritur quare solus Filius sit incarnatus et non Pater nec Spiritus Sanctus; secundo, utrum concedendum sit quod divina essentia est incarnata; tertio, utrum Filius Dei assumpsit hominem vel naturam hominis.

5 (a) <Quare solus Filius sit incarnatus>

2 Circa primum sic proceditur, et probatur quod non solus Filius est incarnatus hac ratione: Assumere carnem est agere. Sed indivisibilia sunt opera Trinitatis. Ergo si convenit Filio, convenit Patri et Spiritui Sancto.

3 Item, videtur quod potius Spiritus Sanctus debuit incarnari quam Filius.
10 Dicit glossa Augustini super Ps *Exultate iusti in Domino, rectos* etc., quod in hoc psalmo agitur de potentia Dei qua creat et de misericordia qua recreat. Ergo recreare pertinet ad misericordiam. Sed misericordia et omnes virtutes quae sunt sub bonitate attribuuntur Spiritui Sancto. Ergo recreatio attribuenda est Spiritui Sancto. Sed recreatio est per incarnationem. Ergo incarnatio attribuenda est
15 Spiritui Sancto. Ergo potius debuit incarnari Spiritus Sanctus quam Filius.

2 Primo: In margine superiori folii 169v adduntur hae argumentationes:

“In tertio signo defecerunt magi,” Glossa dicit: “Non habuerunt notitiam de Spiritu Sancto,”* id est, de potissimo effectu Spiritus Sancti quae est incarnatio. Ergo incarnatio est effectus Spiritus Sancti et sic potius spectat ad Spiritum Sanctum quam ad Filium. — Item, regeneratio est iterata generatio. Ergo ad quem spectat generatio, ad eundem spectat regeneratio. Sed generatio appropriatur Patri: ergo et incarnatio, per quam fit regeneratio. — Solutio: Aequivocatio generationis, quia si sumeretur pro generatione naturali, et non adoptiva, forte sequeretur.’

Hae argumentationes, scriptae eadem manu ut textus principalis, forte legendae sunt post par. 7 nostrae editionis.

* Cf. textus Alcuini, Strabi, et Augustini in *Glossa ordinaria* in Ex 8: 19 (PL 113.207B-D, et apud Lyranum 1.555). Vide Alcuinus, *Quaestiones in Vet. Test.: In Exodum* 14.5-7 (PL 83.293A-B), et Augustinus, *Quaestiones in heptateuchum* 2.25 (PL 34.604; CCL 33.79-80).

3-4 secundo ... hominis: Quaestiones hic annuntiatae non dantur in codice. 10 *Post* etc. *add.* dicit Augustinus *MS*.

11 recreat: Lombardus, *Glossa* in Ps 32, titulum (PL 191.325B): ‘Titulus iste patet, hic autem Propheta misericordiam et potentiam Dei commendat, et facta ejus enumerat, agens de operibus creationis et recreationis, ut timeatur potentia, qua creat, et ametur misericordia qua recreat.’ Cf. Cassiodorus, *Expositio* in Ps 32: 1 (CCL 97.283), et *Glossa ord.* in Ps 32: 1 (PL 113.888B; apud Lyranum 3.649).

4 Forte dicet quod non debuit, quoniam si Spiritus Sanctus incarnaretur, tunc essent duo Filii in Trinitate quoniam Spiritus Sanctus esset Filius eo quod esset incarnatus: hoc est inconueniens esse duos Filios in Trinitate.

5 Sed contra: Maius est inconueniens unum esse filium duorum diversorum
20 quam duos esse filios unius. Sed Christus fuit et est Filius duorum diversorum quoniam est Filius Dei et beatæ Virginis. Si autem Spiritus Sanctus esset incarnatus, tunc Deus Pater haberet duos Filios, videlicet Spiritum Sanctum et Filium. Sed ambo illi Filii essent unius quoniam Dei Patris, et hoc est minus inconueniens quam primum. Ergo non propter prædictam rationem debuit impediri
25 quin Spiritus Sanctus incarnaretur.

6 Item, per incarnationem fit reconciliatio. Reconciliatio autem est remotio discordiæ sive peccati. Peccatum autem non removetur nisi per gratiam. Gratia autem appropriatur Spiritui Sancto, quare et reconciliatio appropriatur Spiritui Sancto. Ergo et incarnatio, per quam fit reconciliatio, attribuenda est Spiritui
30 Sancto, et sic Spiritus Sanctus debuit incarnari potius quam Filius.

7 Item, per Verbum mentale sive per Verbum æternum, id est, per Filium creavit Deus Pater verba vocalia, id est, res visibiles et creatas. A simili, per donum æternum sive increatum, quod est Spiritus Sanctus, debuit dare Deus Pater dona creata sive gratiam creatam. Sed gratia sive misericordia Dei creata est
35 qua redempti sumus quia, ut dicit auctoritas, *Misericordia Dei est quod non consumpti sumus*. Ergo huiusmodi gratia debuit fieri per gratiam increatam et sic per Spiritum Sanctum. Ergo potius debuit incarnari Spiritus Sanctus quam Filius.

8 Item, probatur quod nulla persona in Trinitate debuit incarnari quoniam in creatione Pater non assumpsit aliquid, nec Filius, nec Spiritus Sanctus. Ergo in
40 recreatione Pater non debuit assumere aliquid, nec Filius nec Spiritus Sanctus, et sic Filius non debuit incarnari.

9 Item, probatur quod solus Filius debuit incarnari quoniam Pater habet hanc proprietatem quod non est ab alio. Sed si incarnaretur, esset ab alio. Ergo non potuit incarnari.

45 10 Item, si Spiritus Sanctus incarnaretur, esset spiritualis et corporalis, et sic duo opposita essent in eodem: quare solus Filius debuit incarnari.

11 Solutio: Hoc supposito quod in reparatione humani generis debuit fieri Deus homo, potius Filius debuit incarnari quam altera persona quia Adam voluit per suggestionem diaboli esse æqualis Altissimo. Aequalitas autem attribuitur
50 Filio, unde aequalitas Dei est Filius, ut patet in præfatione: 'In Patre manet

16 dicet s.s. *MS.*
bis exh. MS.

35 qua: quod *MS.* redempti: redepti *MS.*

43 ab¹ *bis exh. MS.* ab²

aeternitas, in Filio aequalitas, in Spiritu Sancto aeternitatis aequalitatisque connectio.' Similiter diabolus voluit esse aequalis Altissimo, et sic Filius Dei fuit quasi occasio utriusque ruinae, scilicet hominis et diaboli, et sic per ipsum potius debuit fieri reparatio quam per aliam personam.

55 12 Alia ratio est propter sapientiam quae attribuitur Filio: Deus enim voluit liberare genus humanum non per potentiam sed per iustitiam, et hoc sapienter sive mediante sapientia ut celaretur mysterium diabolo. Celari autem debuit sapienter sive mediante sapientia: quare per Filium, et sic Filius debuit incarnari et non alia persona. Unde Apostolus, 1 Cor 1: *Qui factus <est> sapientia et*
60 *iustitia*, quia iuste convincit diabolum. — Et si tu opponis: immo per potentiam, quod probatur per illud: *Cum fortis armatus custodit atrium suum*, etc., dico quod Pater convincit per iustitiam, sed si diabolus nollet parere sententiae, tunc exerceret potentiam.

13 Et ad primum [2] dicendum quod indivisibilia sunt opera Trinitatis, unde
65 assumere carnem opus est totius Trinitatis in Filio: unde illam operationem operata est tota Trinitas in Filio, quia si unaquaeque persona esset operata illam operationem in se, tunc essent divisa opera Trinitatis. Sed quia tres operatae sunt in una persona, propter hoc illud opus fuit indivisum et Pater recreavit active, non passive.

70 14 <170r> Item, divina essentia est unita carni. Hoc adiectivum 'unita' importat et copulat divinam essentiam et non importat aliquid creatum. Ergo non dicit aliquid distinguens. Ergo Pater est illa unio. Ergo Pater est unitus carni. Ergo est incarnatus.

15 Solutio: Pater est illa unio active, verum est, quia univit carnem non sibi
75 sed Filio, et non sequitur: 'Ergo Pater est incarnatus', quia hoc adiectivum 'incarnatus' copulat unionem carnis sibi factam.

16 Item, Filius est prima species et homo ultima quia ultimo factus, et *Deus <erat> reconcilians* ima summis. Ergo Filius debuit incarnari et non alia persona: in hoc enim plus sapientia Dei apparet uniendo primum extremo.

80 17 Item, quae prima sunt in cogitatione ultima sunt in operatione. Sed homo fuit ultimus in operatione sive in creatione rerum. Ergo primus fuit in cogitatione. Ergo in creatione rerum homo fuerit unitus Deo, et in recreatione debuit homo similiter uniri Deo.

62 Pater: potentia *MS*. 65 opus *corr. s. s. ex compus MS*.

50-52 In connectio: Cf. Alanus de Insulis, *Theologicae regulae*, reg. 4 (PL210, 625A): 'In Patre unitas, in Filio aequalitas, in Spiritu Sancto unitatis aequalitatis connexio'. Ex Augustino, *De doctrina christiana* 1. 5. 5 (CCL 32.9; PL 34.21). 60 iustitia: 1 Cor 1: 30. 61 suum: Lc 11: 21. 78 reconcilians: Cf. 2 Cor 5: 19.

18 Solutio: *Ego feci et ego feram, ego portabo et sanabo*, dicit Filius, et in
 85 Jona: *Si propter me orta est tempestas, mittite me in mare*; et in assumere plus
 est quam agere, et in incarnatione magis apparuerunt opera Spiritus Sancti, id est,
 benignitas et misericordia, quam opera Patris, id est, potentia et fortitudo.

19 Item, si creatio spectat ad potentiam, ut dicit Glossa <in> Ps, multo
 fortius, ut videtur, recreatio pertinet ad potentiam quia recreatio maius est quam
 90 creatio: maius enim est iustificare impium quam creare caelum et terram.

(b) <*Utrum Pater potuit incarnari*>

20 Item, quaeritur utrum Pater potuit incarnari. Quod videtur: Quicquid
 potest Filius, potest Pater. Sed Filius potuit incarnari; ergo et Pater.

21 Contra: Aut decuit ipsum incarnari aut non. Si decuit, ergo Pater debuit
 95 incarnari. Cum non est incarnatus, ergo indecens fecit Pater, quod est in-
 conveniens dicere. Si non decuit, ergo indecens fuit Patrem incarnari. Sed
 'quaecumque indecentia ponit impossibilitatem in Deo', ut dicit auctoritas. Ergo
 impossibile fuit Patrem incarnari.

22 Solutio: Non sequitur: 'Non decuit; ergo indecens fuit', et est fallacia
 100 consequentis.

23 Item, impossibile est duo contradictoria esse simul vera: licet enim
 possim concedere quod Christus est <creatus> et increatus, tamen non possum
 concedere quod Christus sit creatus et quod non sit creatus. Sed Pater est
 ingenitus, et hoc quod dico 'ingenitus' dicit notionem personalem et tantum valet
 105 quantum 'non genitus'. Ergo Pater non est genitus. Si autem esset incarnatus,
 esset genitus. Ergo esset genitus et non esset genitus, et sic duae contradictoriae
 essent simul verae, quod est impossibile.

24 Item, Pater est a nullo, et si esset incarnatus, esse<t> ab aliquo. Ergo
 esset ab aliquo et non esset ab aliquo, quod est inconveniens.

110 25 Solutio: Licet modo 'ingenitus' aequipolleat huic quod dico 'non genitus',
 tamen si Pater esset incarnatus, non aequipolleret, ut licet Christus sit in-
 commutabilis, non sequitur quod non sit commutabilis; similiter, licet Pater esset

84 feram *corr. ex ferem MS.* 85 mare: mari *MS.* 87 benignitas: begninitas *MS.*
 95 indecens: materialem *MS.* 103 Christus: Christi *MS.* 107 quod *corr. ex quae MS.*
 111 ut: et *MS.*

84 sanabo: Cf. Is 46: 4. 85 mare: Cf. Jon 1: 12. 88 Ps: Vide supra, n. ad 1.
 11. 97 auctoritas: Anselmus, *Cur Deus homo* 1.10 (Schmitt, 67; PL 158.375C): 'Sicut enim
 in Deo quamlibet parvum inconveniens sequitur impossibilitas, ita' Cf. idem, *Epistola de In-*
carnatione Verbi 10 (Schmitt 2.26; PL 158.276C).

ingenitus in eo quod Deus, non tamen sequeretur quod non esset genitus: ex hac
 enim sequeretur quod secundum nullam naturam esset genitus quia plus tollit af-
 115 firmatio quam ponat negatio; nec esset inconueniens quod esset a nullo in eo
 quod Deus et esset ab aliquo in eo quod homo. Potuisset tamen incarnari ita quod
 non esset genitus si assumpsisset carnem non in nascendo, sed alio modo sibi
 uniendo.

<Quaestio 2>

<Utrum genus humanum potuerit liberari sive redimi alio modo quam per
 incarnationem Filii Dei>

1 *In convertendo Dominus captivitatem Sion*, etc. Ratione huius quaeritur si
 potuit genus humanum liberari a captivitate sive redimi alio modo quam per in-
 5 carnationem Filii Dei, et sunt tria quaesita circa huiusmodi: primo, utrum necesse
 fuit Filium Dei mori pro redemptione nostra; secundo, utrum per puram
 creaturam potuit fieri redemptio; tertio, de hoc verbo quod dicit Augustinus quod
 'nullus alius modus fuit convenientior nostrae miseriae sanandae.'

(a) <Utrum necesse fuit Filium Dei mori pro redemptione nostra>

10 2 Quod non potuit aliter redimi sic probatur. Dicit Anselmus: 'Redimere est
 rem suam iusto pretio et condigno rehabere.' Sed nullum erat aliud pretium quod
 valeret omnes homines nisi solus Christus. Ergo non potuit aliter redimi. Ergo
 non potuit aliter rehaberi.

3 Item, Act 4: *Non est aliud nomen datum hominibus in quo oporteat homines*
 15 *salvos fieri*. Ergo, secundum hoc, per Jesum Christum oportuit <homines>
 liberari et sic necesse fuit quod per Christum fieret redemptio.

4 Item, omnis conditionalis vera est necessaria, et omnis falsa est im-
 possibilis. Sed dicit Augustinus super quartum ad Hebraeos: 'Nisi Christus

4 quam: quod MS.

3 Sion: Ps 125: 1. 8 sanandae: *De Trin.* 13.10.13 (PL 42.1024; CCL 50A.399-400):
 '... uerum etiam ut ostendamus non alium modum possibilem deo defuisse cuius potestati cuncta
 aequaliter subiacent; sed sanandae nostrae miseriae conuenientioremodum alium non fuisse nec
 esse oportuisse.' 11 rehabere: Cf. *Cur Deus homo* 1.23 (Schmitt, 91; PL 158.395D-396A):
 'Intende in districtam iustitiam, et iudica secundum illam, utrum ad aequalitatem peccati homo
 satisfaciatur deo, nisi id ipsum quod permittendo se vinci a diabolo deo abstulit, diabolus vincendo
 restituat ... et deus recuperet.' Cf. etiam Alanus ab Insulis, *Distinctiones dictionum theologicarum*,
 s.v. *Redimere* (PL 210.923A-B): 'Notat aequivalens pretium pro re emptam ponere; unde legitur
 Christum redemisse genus humanum proprio sanguine' 15 fieri: Cf. Act 4: 12.

20 moreretur, homo non redimeretur, et si homo non redimeretur, homo periret, et sic falsa esset praedestinatio de filiis adducendis.' Ex hac auctoritate sequitur, quocumque modo tu accipias 'redimere', sive large sive stricte, quod si Christus <non> moreretur, homo periret et sic non liberaretur. Ergo necessarium fuit sic esse quod conditionalis vera est necessaria. Ergo non potuit homo aliter liberari.

25 5 Item, si sic non esset ut dicit praedicta auctoritas, falsa esset praedestinatio. Sed impossibile est praedestinationem esse falsam. Ergo impossibile fuit aliter se habuisse. Ergo homo non potuit aliter liberari.

6 Item, impossibile est albedinem esse nigram, et impossibile est veritatem mentiri. Sed Deus est veritas. Ergo impossibile est Deum mentiri. Sed Deus dicit per Isaiam 53: *Propter scelus populi mei percussi eum*. Ergo necesse erat Filium Dei percuti propter scelus populi, id est, ut populus liberaretur a scelere. Ergo non potuit homo aliter liberari.

7 Item, Ambrosius: 'Tantum fuit peccatum nostrum ut salvari non possemus nisi Christus moreretur pro nobis debitoribus mortis.' Ergo homo non potuit aliter liberari.

35 8 Item, maius est iustificare impium quam creare caelum et terram. Sed purus homo non potuit creare caelum et terram. Ergo purus homo non potuit iustificare hominem: per locum a maiori. Ergo purus homo non potuit hominem liberare. Ergo oportuit quod ille qui liberavit fuerit plus quam homo et sic Deus, et sic necesse fuit quod Christus pateretur pro nobis, et inde ut prius.

40 9 Contra, dicit Augustinus: 'Fuit alius modus nostrae redemptionis Deo possibilis, sed nullus alius fuit convenientior nostrae miseriae relevandae.'

10 Solutio: Dicimus quod genus humanum potuit aliter liberari si Deus vellet, sed redimi non potuit aliter, ut stricte accipiat 'redimi' prout superius distinctum est: est enim 'redimere' iustum pretium dare et condignum sive
45 aequivalens rei quae redimitur, id est, iterum emitur. Nullus autem purus homo potuit valere totum genus humanum quia nulla caritas quae non sit summa potest valere omnes caritates omnium hominum.

44 distinctum: distinitum *MS*.

20 adducendis: Cf. *Glossa ord.* in Heb 2: 10 (PL 114.647C-D): 'Quia nisi Christus moreretur, homo non redimeretur, et non redemptus periret Falsa quoque esset praedestinatio de adducendis filiis.' Cf. *ibid.* apud Lyrannum 6.815-16, et Lombardus, *Glossa*, *ibid.* (PL 192.419D). 29 eum: Isai 53: 8. 33 mortis: *Glossa ord.* in Hebr 9: 15 (PL 114.659A; apud Lyrannum [sub nomine Ambrosii] 6.895), et Lombardus, *Glossa*, *ibid.* (PL 192.474B). Ut notantur editores Lombardi (*Sent.* 3.18.5; 633, n. 6), textus est Alcuini, *In Heb* 9: 15 (PL 100.1074A), qui sumpsit eum a Chrysostomo, *In Heb* 9, hom. 16 (PG 63.123). Cf. etiam Ambrosius, *In Ps* 47: 17 (PL 14.1208C; CSEL 64.357): 'Sicut enim redemptio Christus, ita et misericordia, quae autem maior misericordia quam quod pro nostris flagitiis se praebeuit immolandum, ut sanguine suo mundum lauaret, cuius peccatum nullo alio modo potuisset aboleri?' 41 relevandae: Vide supra, n. ad l. 8.

11 Ad conditionalem autem quae videtur probare quod aliter non posset
homo liberari [4] respondemus per aequivocationem eius quod est 'redimere': in
50 prima enim parte conditionalis accipitur stricto modo et sic habet veritatem, in
secunda autem parte accipitur largo modo, videlicet pro liberatione quacumque, et
sic habet illa pars veritatem. Ipse autem infert ac si uniformiter acciperetur
utrobique. — Vel potest dici quod haec dictio 'si' in prima parte tenetur condi-
tionaliter, in secunda autem parte tenetur adiunctive, et est sensus: Homo periret,
55 id est, vix posset salvari, quia si Deus redemisset hominem solo verbo vel alio
facili modo, homo despiceret et non crederet se multum teneri Deo pro tali
salvatione facili, et sic non ita declinaret a malo et ita vix posset salvare:
dicere<t> enim quod non multum fecit Deus pro ipso.

12 De praedestinatione autem et prophetiis [4, 5] dicimus quod si aliter esset
60 redemptus homo quam sit, tunc Christum pati non esset prophetatum, et haec
prophetia, *Propter scelus populi*, etc. [6], sonaret aliud et significaret aliud quam
Christum pati vel quam significat modo. Sicut contigit de Ninive, de auctoritate
Jonae prophetae: *Adhuc quadraginta dies*, etc., quia si Ninive esset destructa, tunc
significasset eversionem, sed quia non fuit destructa, non significavit eversionem
65 sed potius conversionem. Unde non valet: 'Hoc est prophetatum vel praedesti-
natum; ergo de necessitate eveniet' nisi coniunctim accipias. Et dato quod non
eveniat illud quod prophetatum est vel praedestinatum, non sequitur propter hoc
quod prophetia fuerit falsa vel quod praedestinatio fuerit illusoria: si enim non
eveniat illud, sequitur quod non fuerit prophetatum vel praedestinatum: prophetia
70 enim vel praedestinatio se habe<n>t ad diversa: sapiunt enim naturam divinam
quae indifferenter et uniformiter se habet ad diversa, immo etiam ad con-
tradictorie opposita. Unde sequitur quod si non eveniet, non fuit prophetatum vel
praedestinatum quia aliud significabat, videlicet illud quod evenit.

13 Item, ad Hebr secundo *Decebat eum*, etc., ibi dicit Glossa: 'Minoratus est
75 Christus ab angelis quia gustavit mortem, quod convenientissimum fuit nostrae
redemptioni.' Ex hoc arguo: Si convenientissimum fuit, et optimi est optima
facere (non enim potest inepta facere), ergo necesse fuit illo modo redimere, et sic
ut prius.

14 Item, 16 Job: *Prudentia eius percussit superbum* quem 'non vi, sed
80 ratione vicit'. Sed necesse est Deum facere quicquid facit rationabiliter, et non

59 si: *subscr. MS.* 60 redemptus: *redeptus MS.* 62 significat: *significet MS.*

63 dies: Jon 3: 4. 76 redemptioni: Cf. Lombardus, *Glossa* in Heb 2: 10 (PL 192.419B):
'*Decebat enim*. Quasi dicat: Minoratus est Christus ut gustaret mortem, quod convenientissimum
erat.' Cf. *Glossa ord.*, *ibid.* (apud Lyranum 6.814). 79 superbum: Job 26: 12. 80 vicit:
Cf. *Glossa ord.* in Job 26: 12 (PL 113.825B; apud Lyranum 3. 256): "'Et prudentia eius."
Prudentia, non virtute percussus est antiquus hostis'

potest aliter facere. Ergo cum non rationabiliter diabolium vicerit, non potuit aliter vincere, et sic non fuit alius modus liberandi humanum genus, ut videtur, nec esse potuit, ut videtur.

15 Item, si alius modus fuit liberand<i> hominem, ille alius modus aut fuit
85 minus bonus aut aequè bonus aut melior. Si minus bonus, cum stolidus et stultus sit qui accipit minus bonum et dimittit magis bonum, stulte egisset Deus si illo alio modo redemisset. Sed impossibile est stultitiam convenire Deo. Ergo impossibile fuit illo alio modo redimere. Si autem ille alius mo<du> fuit aequè bonus, ergo non fuit ratio quare potius redemit isto modo quam illo. Ergo aut illis
90 duobus modis debuit redimere aut neutro; non neutro: ergo illis duob<us>. Ergo inepte egit quando tantum alterum illorum modorum elegit, quod iterum falsum et impossibile est convenire Deo. Si vero ille alius modus fuit melior, ergo inepte egit Deus quando dimisit magis bonum et elegit minus bonum, et hoc iterum est impossibile convenire Deo. Relinquitur igitur quod non potuit esse
95 alius modus redimendi humanum genus quam ille quo redemptus e<st>.

16 Solutio: Potuit Deus alio modo redimere genus humanum, et si illo alio modo redemisset, tunc ille alius modus esset optimus. Quicquid enim a Deo fit, optime fit: habet enim ob<versum> <oc> cursorium, quia si facit aliud, illud est optimum; si autem non fecisset illud, immo aliud, tunc primum non esset op-
100 time factum, immo illud quod fecisset. Verumtamen in quibusdam operibus Dei apparet nobis plus bonitas Dei et iustitia <quam> ipsa potentia, in quibusdam autem e converso, licet omnia opera Domini sint iusta et bona et misericordia. Unde in modo praedicto plus apparuit nobis misericordia Dei quam potentia, et secundum hoc *** prima: 'Deus dimisit quod potuit et assumpsit quod decuit,' id
105 est, misericordiam et iustitiam quae nobis in liberatione nostra magis apparuerunt.

17 <172v> <Circa> praedictam potest illud quod habetur super Ps *Qui regis Israel, intende*; dicit Glossa: 'Tamdiu dubitari potuit salus humani generis usque dum Christus incarnatus fuit': hoc enim est verum, et si Christus non esset

84 (liberand)i *supplevi pro defectu marginali* 88 (mo)du*s supplevi pro def. marg.*
90 (duob)us *supplevi pro def. marg.* 95 (e)st *supplevi pro def. marg.* 97 alius s.s. *MS.*
98 (ob)versum (oc)cursorium *supplevi pro def. marg.* 99-100 optime factum: *subscr. MS.*
101 quam *supplevi pro def. marg.* 103 praedicto: praedicta *MS.* 107 circa *supplevi pro def. marg.*
super: supra *MS.* 109 incarnatus: incaratus *MS.*

108 intende: Ps 79: 2. 109 fuit: Cf. *Glossa ord.* in Ps 79: 18 (PL 113.979A; apud Lyranum 3.1056) et Lombardus, *Glossa*, ibid. (PL 191.766C-D): '... tandiu salus Israel dubitari potuit, donec Christus venit' Ex Cassiodoro, *Exp. in Ps 79: 18* (CCL 98.746).

110 incarnatus, tunc verba <propheta> rum quae hoc praedixerant aliud significas-
sent.

(b) <Utrum per puram creaturam potuit fieri redemptio>

18 Item, videtur quod alius debuit esse modus redemptionis quoniam iustum
est ut qui peccat, ipse puniatur. Sed homo peccavit. Ergo homo debuit facere
115 emendam; non ergo Deus. Ergo non oportuit Deum incarnari quia homo purus
debuit puniri, cum homo purus peccavit.

19 Item, fortior est causa quam effectus. Ergo qui potest destruere causam
potest destruere effectum. Sed peccatum actuale fuit causa originalis <quia ac-
tual> e peccatum ipsius Adam introduxit in nos originale. Ergo cum Adam potuit
120 satisfacere de actuali, potuit et satisfacere de originali: per locum a maiori. Sed
satisfecit de actuali quia sufficienter paenituit: non enim intravit <infe> rnum
sed purgatorium. Ergo satisfecit de originali. Ergo non oportuit Deum incarnari.

20 Item, Augustinus super secundum ad Hebraeos: 'Diabolus fudit
sanguinem non debitoris, et propter hoc iussus est reddere debitorem.' <Se> d
125 potuit creari homo mundus et sine peccato. Ergo cum talis esset non debitor
diaboli, si percussus esset vel occisus a diabolo, iuberetur reddere debitorem. Ergo
per alium potuit fieri salus humani generis, et sic non <opor> tuit Deum in-
carnari.

21 Item, Levit 4, vitulus iussus est offerri pro peccato synagogae et suf-
130 ficiebat ad purgandum pecc<atum> synagogae. Sed multo plus est unus homo
in respectu ad omnes homines quam unus vitulus in <re> spectu ad synagogam.
Ergo unus homo potuit sufficere ad purgandum peccata totius humani generis.

22 Solutio: Sicut dictum est [10], salvare potuit nos aliter si vellet, sed
redimere non, ut stricte <ac> cipiamus 'redimere': in primo enim peccato caro
135 infecta fuit et anima similiter et utrumque oportuit sanari. Hoc autem de rigore
iuris fieri non debuit nisi per Christi resurrectionem, sicut postea dicitur. Nec
potuit homo redimere [cf. 18] <quia> non valebat omnes homines, et licet
paenituerit Adam [cf. 19] et deleta fuerit culpa in parte, scilicet, quantum ad ip-

110 propheta(rum) *supplevi pro def. marg.* 118-119 quia actual(e) *supplevi pro def. marg.* 121 infe(rnum) *supplevi pro def. marg.* 122 de bis *exh. MS.* 124 se(d) *supplevi pro def. marg.* 126 si: se *MS.* 127 opor(tuit) *supplevi pro def. marg.* 129 synagogae: sanagogae *MS.* 131 re(spectu) *supplevi pro def. marg.* 134 ac(cipiamus) *supplevi pro def. marg.* 137 quia *supplevi pro def. marg.* 138 quantum: quam *MS.*

124 debitorem: Cf. *Glossa ord.* in Heb 2: 14 (apud Lyranum 6.818), et Lombardus, *Glossa*, ibid. (PL 192.421C): 'Ille autem sanguinem fudit non debitoris, per quod iussus est reddere debitores.' 130 synagogae: Cf. Lev 4: 3-12.

sum, tamen non fuit deleta quantum ad posteritatem suam: quoniam enim fuit
 140 caro ipsius Adae imperfecta et corrupta, propter hoc posterī <imper>fecti
 fuerunt et corrupti: unde originale et etiam veniale peccatum proximius adhaeret
 homini et tenacius quam ipsum mortale. Et propter hoc non sequitur quod si quis
 potest vitare mortale quod posset vitare veniale.

23 <Ad aliud> [21] dicimus quod vitulus non purgabat synagogam omnino
 145 nec aperiebat eis ianuam paradisi nec merebatur ei gloriosam resurrectionem,
 quod totum fecit nobis Jesus Christus.

(c) <De verbo Augustini: 'Nullus alius modus fuit convenientior nostrae miseriae
 sanandae.'>

24 Contra verbum Augustini videtur quod alius modus melior liberandi
 150 humanum genus fuit. Magis ostenderet potentiam suam Deus si solo verbo
 salvaret hominem quam faciendo tot expensas: magis enim crederetur esse Deus
 <sapiens> et omnipotens si dicendo sic: 'Volo quod salvaris,' salvaretur homo
 quam quando *tot pro ipso sustinuit*. Ergo, secundum hoc, melior esset iste modus
 salvandi quam alter; ergo etc.

155 25 Item, magis appreciaretur medicus aliquis si solo verbo posset sanare
 aegrotum quam sanando ipsum per medicinas et emplastra et sectiones. Ergo a
 simili, magis appreciaretur Deus sanando genus humanum sicut sanavit leprosum
 dicendo: *Sic volo, mundare*, et alium cui dixit: *Tolle grabbatum tuum et ambula*,
 quam sanando ipsum per labores et angustias. Ergo melior fuit modus.

160 26 Item, dicunt sancti et verum est quod Christus meruit nobis a primo in-
 stanti suae conceptionis quicquid potuit mereri, quia tantam habuit gratiam ter-
 mini quantam postea habuit vel habere potuit. Ergo si ex tunc nobis meruit
 quicquid mereri potuit, sed potuit nobis mereri salutem, ergo ex tunc nobis meruit
 salutem. Ergo non oportuit quod moreretur pro salute nostra cum etiam post
 165 nativitatem suam multo<s> habuit motus meritorios quorum unusquisque
 merebatur nobis vitam aeternam.

27 Item, si verum est quod dicit Augustinus quod quia diabolus fudit
 sanguinem non debitoris, iussus est reddere debitorem [*cf.* 20], cum ante
 passionem crucis Christus fuderit sanguinem suum quoniam flagellatus fuit
 170 corrigiis et virgis, et etiam *sudor eius erat quasi guttae sanguinis in terra cadentis*,

140 imper(fecti) *supplevi pro def. marg.* 144 ad aliud *supplevi pro def. marg.* 146 no-
 bis s.s. MS. 152 sapiens *supplevi pro def. marg.* 170 guttae: *gugte MS.*

148 sanandae: Vide supra, n. ad l. 8. 153 sustinuit: Cf. Heb 12: 3. 158 mundare:
 Mc 1: 41. ambula: Mc 2: 9; Jo 5: 8. 170 cadentis: Cf. Lc 22: 44.

ex tunc debuit diabolus iuberi reddere hominem quia fuderat sanguinem non debitoris. Ergo non oportuit quod Christus moreretur.

28 Item, non est iustum ut innocens puniatur pro nocentibus. Sed omnia opera <Dei> debent esse iusta. Ergo Deus Pater non debuit sustinere Jesum in-
175 nocentem puniri pro nocentibus, et sic alius debuit esse modus redimendi.

29 Item, Deus Pater tenebat hominem, et diabolus est carcerarius suus et tor-
tor. Sed Deo Patri debebatur emenda pro offensa hominis. Ergo quam cito Deus
Pater habuit pretium redemptionis sufficiens, debuit homo liberari. Sed quam cito
Christus natus fuit pro hominibus, habuit Deus Pater unum hominem qui valuit
180 totum humanum genus et etiam infinitos alios homines, etsi plures essent. Ergo
tunc habuit Deus Pater sufficiens pretium nostrae redemptionis. Ergo humanum
genus tunc debuit liberari. Ergo pro homine non debuit amplius Christus pati et
sic non oportuit quod Christus moreretur pro salute hominis.

30 Item, Christus in quantum homo non redemit genus humanum quia
185 nullus purus homo valebat totum genus humanum, ut dictum est. Ergo redemit
hominem in quantum Deus, cum in Christo non esset nisi Deus et homo. Sed in
quantum Deus, potuit redimere, licet non esset homo. Ergo non oportuit quod
propter hoc esset homo, et sic Deus ad redimendum humanum genus non debuit
humanari.

31 Item, dicit lex quod si matrona sub habitu meretricio violetur, non poterit
agere iniuriarum. Ergo, a simili, cum homo per peccatum esset servus diaboli et
Deus habitum hominis et formam acceperit, non poterit agere iniuriarum contra
diabolum, neque iniuriatus est ei diabolus si sub tali habitu torsit eum et crucifixit
et fecit de ipso tamquam de servo suo. Et ex hoc videtur posse probari quod Deus
195 fraudulenter egit et quasi fur fuit cum suscepit hominem qui servus erat diaboli,
quod de Deo nefas est dicere.

32 Item, propter hoc noluit Dominus multa facere miracula in Nazareth et
praedicare quia sciebat duritiam et obstinatiam ipsorum: unde propter miracula et
praedicationem non converterentur, et propter hoc, ut dicunt sancti, miseri-
200 corditer egit Dominus cum ipsis quia non praedicavit nec fecit ibi miracula:
fierent enim magis damnabiles eo ipso quod non crederent, visis miraculis. Ergo,
a simili, cum sciret Dominus corda infidelium non convertenda <esse> propter

181 humanum: humanus *MS*.
add. Dominus *MS*.

195 fraudulenter: fraudealenter *MS*.

197 Post miracula

191 iniuriarum: Hanc legem non inveni; cf. autem *Dig.* 23.2.43. 198 ipsorum: Vide Mt 13: 54-58; Mc 6: 1-6. 199 sancti: Cf. *Glossa ord.* in Mt 13: 58 (PL 114.134C; apud Lyrano 5.47ra): 'Et non fecit. Fecit virtutes aliquas, sed non multas, ne incredulos condemnaret', et ibid. in Mt 11: 21 (PL 114.122B; apud Lyrano 5.39va): 'Cur ergo non credituris praedicavit, credituros evitavit ipse scit cuius viae sunt misericordia et veritas.' Cf. etiam Augustinus, *Enchiridion* 95-99 (PL 40.275-78; CCL 46.99-102), et Hieronymus, *In Mt* 11: 21 (PL 26.77A-B).

incarnationem suam et passionem et mortem, misericorditer egisset cum illis si non pro eisdem haec passus fuisset: hoc enim ipsum quod passus est pro ipsis
 205 Dominus, cedit ipsis reprobis ad cumulum maioris damnationis. Ergo secundum hoc non debuit incarnari Deus cum ipsius proprium sit misereri semper et parere, et sic alio modo debuit liberare humanum genus.

33 Item, *si non venissem et locutus eis fuisset, peccatum non haberent*, dicit Christus in evangelio. Ergo non debuit venire, et sic alio modo debuit liberare;
 210 ergo ut prius.

34 Item, a peccatis praeteritis liberatur homo per satisfactionem quae facta fuit per primam effusionem sanguinis Christi, et a praesentibus peccatis liberatur per infusionem gratiae, et a futuris cavet sibi per timorem Domini quia, ut dicit Salomon: *Per timorem Domini declinat omnis a malo*. Ergo cum pluribus non
 215 contingat peccatum homini et de omnibus his potest liberari eo modo quo praedictum est, minime oportuit quod per peccatum hominis Deus moreretur, cum alio modo posset homo liberari, et convenientius, ut videtur.

35 Solutio: Si aliquis tenuisset in vadio vineam, et elapso terrenio persolutis denariis redderet vineam, non in integrum esset facta restitutio vineae nisi cum
 220 ipsa vinea redderet fructus inde perceptos. Similiter Dominus voluit restituere Deo Patri humanum genus in illa integritate in qua erat antequam Adam peccaret. Unde, quia tunc erat quasi immortalis — erat enim potens non mori — propter hoc oportuit quod Christus destrueret mortem. Hoc autem fecit coniungendo eam sibi, quia sicut gutta aquae adiuncta centum milibus modiorum vini optimi annullatur et perit, sic mors adiuncta summae vitae quae Christus est annihilata est
 225 et periit, et hoc est quod dicit Apostolus: *Absorpta est mors in victoria*, et sic oportuit quod Christus assumeret mortem et moreretur et resurgeret, ut morte destructa humanam naturam restitueret immortalitati per gloriosam resurrectionem.

230 36 Et non est simile de civitate ubi non praedicavit [32-33], quia ibi nulli converterentur, sed incarnatio sua multis profuit, ad minus credentibus <vi> va fide.

37 Et verum est quod diaboli bene cognoverunt eum [31], unde dicebant: *Jesu, Fili Dei, quare venisti torquere nos ante tempus?* Sed postea, quando
 235 videbant eum esurire et ceteras fragilitates humanas pati, putabant quod esset purus homo. Unde erant stulti, et propter hoc huiusmodi falsa credulitas debet

215 contingat: contigat *MS.* 221 humanum: humanus *MS.* 231 vi(va) *supplevi pro def. marg.*

208 haberent: Jo 15: 22. 214 malo: Prov 15: 27. 226 victoria: 1 Cor 15: 54.
 234 tempus: Cf. Mt 8: 29.

imputari stultitiae eorum, et sic non est simile de matrona sub habitu meretricio deprehensa.

38 Et licet Christus ante mortem multos habuisset <motus> meritorios
 240 [26], non tamen meruit nobis gloriosam resurrectionem nisi per mortem suam et
 resurrectionem, quia illi motus absque dubio ex caritate erant, et caritas solum
 respicit sursum quia ignis est — unde illud Pauli quem ignea virtus extulit in
 caelum — et propter hoc illi motus non respiciebant corruptionem nostrae carnis
 245 corporalem, sed solum animam faciebant dignam vita aeterna ut per ipsam staret, et
 propter hoc oportuit Christum mori et quod Christus meruit sibi maiorem
 gloriam quoniam <meruit> duplicem stolam, videlicet stolam animae et stolam
 corporis, quas non haberet nisi humanatus esset et resurrexit et glorificatus esset.

<Quaestio 3>

<De unitate>

1 Est unitas collectionis, ut multi lapides uniti sunt unum, id est, unus acervus. Item, est unitas constitutionis, ut omnes partes domus unum sunt, id est, una domus. Item, unitas generalis <et> specialis, ut Socrates et Plato sunt unum
 5 genere et specie. Item, unitas substantialis, ut Pater et Filius et Spiritus Sanctus
 sunt unum, id est, una natura. Item, coniugalis, ut *erunt duo in carne una*. Item,
 votiva, ut *qui adhaeret meretrici unum corpus efficitur* cum ea, *qui vero* Spiritui
 Sancto *adhaeret unum est* cum eo, id est, *unus spiritus*. Item, unitas dilectionis,
 ut isti duo amici sunt unum. Item, est unio per <conventionem> malorum in
 10 consiliis, ut *convenerunt in unum* Item, unio conformitatis, ut *simul in unum*

242 Pauli: pauci *MS.* quem: quos *MS.* 245 ut: nisi *MS.* 247 meruit *supplevi pro def. marg.*

7 ea: eo *MS.*

243 caelum: Cf. 2 Cor 12: 2-4, et Lombardus, *Glossa* in 2 Cor 12: 2 (PL 192.804A):
 '... usque ad tertium caelum, scilicet empyreum Et dicitur empyreum, id est igneum a splendore,
 non a calore.' Cf. etiam Alanus ab Insulis, *Distinctiones*, s.v. *Ignis* (PL 210.815B): '*Ignis*, proprie
charitas Sicut ignis amoris mentem erigit, ita ignis malitiae involvit; quia Spiritus sanctus cor
 quod replet elevat' Guilelmus Altissiodorensis, *Summa aurea* 3.1.7 (*De merito Christi*)
 (Parisiis, 1500), fol. 118vb, dicit: 'Ad hoc dicimus quod caritas est ignis sursum tendens propter
 illam circumstantiam quae ponitur in definitione eius, scilicet super omnia, unde secundum se
 meritoria est vitae aeternae.'

6 una²: Gen 2: 24; Mt 19: 5; Eph 5: 31. 7-8 qui adhaeret ... spiritus: Cf. 1 Cor 6: 16-17. 10 unum¹: Ps 2: 2.

dives et pauper. Item, dignativa, ut illa qua Deus univit sibi humanam naturam et <qua> angeli assumunt apparentia corpora.

2 Et circa hanc multum disputatur a theologis. Primo, circa angelos quaeritur utrum vires et proprietates quas videntur habere corpora insint corporibus vel ip-
15 sis angelis, sicut in lucta Jacob cum angelo, qui videtur angelum detinuisse extra eius voluntatem.

3 Dicimus, <sicut> dicit Magister P., quod si nomina vel verba vel partici-
picipia dicta de angelis significant potentiam, tunc nullae proprietates corporis in-
sunt, sicut de illis qui subverterunt Sodomam et Gomorrhham. Si vero significant
20 necessitatem et cibi egestatem, tunc dicit quod corporibus <insunt> tales
proprietates, non revera tales, sed quasi tales corporibus insunt, quia quamvis
masticent cibos, creditur tamen quod exinaniuntur ut ros ad solem. Si vero
nomina vel verba vel participia significant violentiam, dicit quod si sint boni, non
insunt illae proprietates eis quia non possunt pati: unde dicitur de Christo:
25 *Minorasti eum paulo minus ab angelis*, quia cum triplex sit libertas: a culpa, a
poena, a necessitate, boni angeli ab omni sunt immunes, Christus vero non est
immunis a necessitate poenae. Si vero sint mali, dicit quod illae vel quasi illae
proprietates eis insunt quia possunt pati.

4 De assumptione Christi dicimus quod divina natura et humana sunt unum,
30 id est, una persona: unione dico non conversibilitate naturae in naturam.

5 Si vero quaeritur utrum potuit assumere angelicam naturam, quod videtur
innuere Apostolus cum ait: *Semen Abrahae assumpsit, non naturam angelicam*,
dicimus quod potuit, nec tamen aliquem angelum nec aliquem hominem assumere
potuit quia si concedatur, sic inde: Istum potuit assumere; eadem ratione alium;
35 sic et tertium, et ita essent plura et illa plura essent unum.

6 Ecclesia autem consistit in unitate fidei, unde *una fides, unum baptisma*.
Item, in unitate caritatis: unde *qui offendit in uno, omnium est reus*. Item, in
unitate sacramentorum, ut *omnes eandem escam spiritualem participamus*. Item,
in unitate praemiorum, quia quamvis *sint ibi diversae mansiones*, tamen *unus*
40 *denarius*.

12 apparentia: antia vel aptia MS. 14 Post corporibus add. vel corporibus
MS. 22 masticent: mactitent MS. 26 boni s.s. MS. 40 denarius: denatius MS.

11 pauper: Ps 48: 3. 1-12 Est ... corpora: Cf. Bernardus, *De consid.* 5.8.18 (Leclercq-
Rochais, 482-83), et Alanus ab Insulis, *Distinctiones*, s.v. *Unum* (PL 210.987B-C). 15-
16 sicut ... voluntatem: Vide Gen 32: 23-28. 17 Magister P: Forte Magister Petrus Pic-
taviensis, qui expresse nominatur alibi in eadem collectione quaestionum (fol. 5v). 19 Go-
morrhham: Vide Gen 19: 17 sqq. 25 angelis: Cf. Ps 8: 6; Heb 2: 7. 32 angelicam: Cf.
Heb 2: 16. 36 baptisma: Eph 4: 5. 37 reus: Cf. Jac 2: 10. 38 participamus: Cf. 1
Cor 10: 3. 39 mansiones: Cf. Jo 14: 2. 40 denarius: Vide Mt 20: 9-10.

<Quaestio 4>

<Utrum Pater potuerit incarnari et utrum Filius Dei sit homo>

(a) <Utrum Pater potuerit incarnari>

1 Omne creatum aliqua ratione subiectum est Creatori. Sed Pater non potest
esse subiectus alicui: probatio, 1 Cor 15: *Omnia subiecisti sub pedibus eius sine*
5 *dubio praeter eum qui subiecit ei omnia*, Glossa: 'Qui sicut ex nullo est, ita nulla
ratione potest alicui esse subiectus,' et loquitur de Patre. Ergo Pater nulla ratione
potest alicui esse subiectus. Ergo non potest esse creatura; ergo nec homo.

2 Item, Augustinus ad Orosium: 'Spiritus Sanctum nec genitum nec
ingenitum fides certa declarat, quia si dixerimus ingentum, duos Patres affirmare
10 videbimus; si genitum, duos Filios.' Ergo non debemus dicere Patrem genitum ne
duos Filios affirmare videamur.

3 Item, si dicatur quod Pater sit incarnatus, sequitur quod sit ab aliquo, et est
a nullo. Ergo Pater est ab aliquo et a nullo; ergo affirmatio et negatio de eodem,
quod est impossibile. — Si dicatur quod non est inconueniens affirmationem et
15 negationem esse veras de eodem secundum diversas naturas, contra: Ante
passionem, etsi Filius diceretur mortalis et immortalis, non tamen dicebatur de
illo quod esset mortalis et quod non esset mortalis, et tamen secundum unam
naturam erat mortalis, secundum aliam immortalis. Ergo pari ratione duae con-
tradictoriae non potuerunt esse verae de Patre.

20 4 Item, Spiritus Sanctus est principium creaturarum, sed respectu Patris et
Filii est principiatum. Filius respectu Patris est principiatum, respectu Spiritus
Sancti et creaturarum est principium: unde magis habet naturam principii quam
Spiritus Sanctus. Pater vero magis <habet naturam principii> quam Filius et
Spiritus Sanctus, cum nullo modo sit principiatum sed sit principium: unde Pater
25 dicit principium interius. Ergo nullo modo recipit admixtionem contrarii. Ergo
non potest esse principiatum; ergo nec incarnatus.

5 Item, posito quod Pater potuerit incarnari, quaeritur, si sit incarnatus,
utrum quaecumque dicuntur de illo homine dicuntur de illo Deo, et videtur quod
sic cum de Filio dicantur. Sed videtur quod non <dicuntur> adiectiva quae
30 habent oppositionem cum proprietatibus eius, quia divina essentia dicitur in-

10 si ... Filios *in marg. MS.*

19 potuerunt *corr. s.s. ex erunt MS.*

25 interius: interio

5 omnia: Cf. 1 Cor 15: 26-27. 6 subiectus: *Glossa ord.* in 1 Cor 15: 27 (PL 114.547B-C), et Lombardus, *Glossa*, ibid. (PL 191.1681A). 10 Filios: Textus videtur sumi ex Lombardo, *Sent.* 1.13.4.2 (124); invenitur inter opera Augustini sub nomine *Dialogus quaestionum* 65, 2 (PL 40.734). Cf. *Clavis patrum latinorum*, no. 373.

carnata et non dicuntur adiectiva de illa quae de homine assumpto dicuntur: non enim dicitur 'nata' vel 'passa', et hoc est quia a nullo est. Ergo cum Pater a nullo sit, videtur quod, si sit homo, adiectiva quae habent oppositionem cum proprietatibus eius non dicantur de illo: quod concedunt quidam.

35 6 Melius est dicere quod dicuntur de Patre sicut de Filio, et non est simile de divina essentia et de Patre quia adiectiva non dicuntur de divina essentia quia maximae abstractionis est; unde si dicatur divina essentia 'passa', sequitur quod secundum se passa est, quod falsum est. Filius vero et Pater non sunt tantae abstractionis, unde si dicatur quod Pater sit passus, non sequitur quod secundum
40 quod Pater, sed per accidens potest intelligi vera ista: 'Pater est passus' vel 'missus', sicut intelligitur per accidens: 'Filius est missus' vel 'passus', et sicut non est inconveniens Filium esse minorem se, ita, si Pater sit homo, non est inconveniens Patrem esse missum vel esse ab aliquo, quia dicuntur de illo ista quia conveniunt homini qui est Pater.

45 7 Item, Pater non potest minorari. Ergo non potest homo fieri, quia sic minoraretur sicut Filius minoratus est cum factus est homo, ut dicitur Hebr 2, et in Psalmo.

8 Item, verius est ens quod nihil habet <ad> mixtum de non-ente nec actu nec potentia, quam quod habet aliquid admixtum de non-ente potentiâ, etsi non
50 actu. Sed omne quod potest esse homo habet aliquid admixtum de non-ente, ad minus potentiâ, quia homo de necessitate habet aliquid admixtum de non-ente. Ergo nihil quod potest esse homo verissime est ens. Sed Deus Pater verissime est ens. Ergo non potest esse homo.

9 Item, potentia entis possibilis voluntas boni. Sed in Deo idem est obiectum
55 potentiae et bonitatis, quia Deus nihil potest nisi bonum. Sed Deus Pater noluit incarnari. Ergo non potuit incarnari.

10 Item, Augustinus in IV *De Trinitate*: 'Si voluisset, Deus Pater per subiectam creaturam visibiliter appareret, absurdissime tamen aut a Filio quem genuit aut a Spiritu Sancto qui de ipso procedit "missus" diceretur'; ergo multo fortius
60 si incarnaretur. Sed 'minimum inconveniens Deo est impossibile'. Ergo Pater non potuit incarnari.

48 est *bis exh. MS.*

46-47 Hebr ... Psalmo: Heb 2: 7; Ps 8: 6. 59 diceretur: Augustinus, *De Trin.* 4.21.32 (PL 42.911-12; CCL 50.205). 60 impossibile: Anselmus, *Cur Deus homo* 1.10 (Schmitt, 67): vide supra, q. 1, n. ad l. 97.

(b) <Utrum Filius Dei sit homo>

11 Quaeritur utrum Filius Dei sit homo. Videtur quod non quia omnis
 65 praedicatio aut est substantialis aut accidentalis. Ergo cum dicitur, 'Filius Dei est
 homo', aut est ibi praedicatio substantialis aut accidentalis: non substantialis,
 quia praedicatum non est de essentia subiecti; ergo accidentalis. Sed ubi est
 praedicatio accidentalis, praedicatum dicitur de subiecto per modum concretionis.
 Ergo cum dicitur, 'Filius Dei est homo', sensus est: Filius Dei est humanatus.

12 Item, omne quod unitur cum omnibus partibus alicuius totius unitur ipsi
 70 toti, ut anima quae unitur omnibus partibus corporis unitur toti corpori. Sed
 Filius Dei est unitus omnibus partibus hominis cuius partes assumpsit. Ergo est
 unitus illi homini. Ergo non est ille homo quia unio, cum sit relatio, non potest
 esse nisi inter diversa.

13 Item, ad veritatem propositionis affirmativae exigitur quod subiectum et
 75 praedicatum sint idem numero. Sed Deus et homo non sunt idem numero quia
 non sunt idem nomine vel definitione vel proprio vel accidente. Ergo haec est
 falsa: 'Deus est homo'.

14 Item, dicit Boethius quod 'theologi ex suis propriis arguunt sic: "Pater
 est Deus; Filius est Deus; ergo Pater et Filius sunt unus Deus"', et inferunt singu-
 80 lariter quia Pater et Filius eodem numero sunt Deus. Philosophi ex suis propriis
 <arguunt> sic: "Sortes est homo; Plato est homo; ergo Sortes et Plato sunt
 homines", et inferunt pluraliter quia Sortes et Plato alio et alio sunt homines.'
 Sed Christus est aliquid secundum quod homo et est aliquid secundum quod
 Deus, et alio est aliquid secundum quod homo, alio secundum quod Deus. Ergo
 85 Christus est plura secundum quod Deus et secundum quod homo. Ergo 'Deus et
 homo' dicta de Christo faciunt numerum. Ergo Deus non est homo. <63va>

15 Ad primum [1] dicendum quod glossa illa loquitur de Patre in quantum
 Pater et in quantum huiusmodi non potest alicui esse subiectus.

16 Ad secundum [2] dicendum quod inconueniens est duos filiatione increata
 90 esse, sed non duos quorum unus sit Filius filiatione <in> creata, alter creata, et
 primo modo intelligit Augustinus.

17 Ad aliud [3] dicendum quod si Pater incarnaretur, haec esset falsa: 'Pater
 a nullo est'. — Sed contra: Esse a nullo proprietas est Patris. Sed proprietates

69 cum: vel MS. 70 toti² corr. s.s. ex ipsi MS. 88 huiusmodi corr. s.s. ex talis MS.

78-82 theologi ... homines: Pro prima parte textus vide Boethius, *De Trin.* 1 (Rand, 6; PL 64.1249C).

Fons totius textus videtur esse Gislebertus Pictaviensis [Porretanus], *Expositio in Boecii librum primum de Trinitate* 1.10-12, ed. N. M. Häring, *The Commentaries on Boethius by Gilbert of Poitiers* (Studies and Texts 13; Toronto, 1966), p. 72. Secunda pars textus citatur ad verbum sub nomine Boethii a Guilelmo Altissiodorensi, *Summa aurea* 3.1.1.5.4. (*Hyp. Union* 1.262).

necessitate insunt personis. Ergo Pater necessario a nullo est. Ergo non potest
 95 esse ab aliquo. Ergo non potest incarnari. — Respondeo: Esse a nullo simpliciter
 non est Patris proprietas, sed esse a nullo in quantum Deus, et hoc necessario
 convenit Patri, et si esset incarnatus, adhuc esset a nullo in quantum Deus, non
 tamen simpliciter esset a nullo. — Vel potest dici quod si Pater incarnaretur,
 adhuc esset a nullo et tamen ab aliquo, nec contradicunt ista quia esse a nullo
 100 secundum quod est Patris proprietas non privat esse ab aliquo per creationem sed
 <privat> esse ab aliquo sicut una persona est ab alia: esse vero qualiter tunc
 Pater, esset ab aliquo.

18 Ad aliud [4] dicendum quod Pater in quantum Deus maxime est prin-
 cipium, et in quantum huiusmodi non potest esse principiatum, sed secundum
 105 aliam naturam potest, et minus esset principium quam sit si hoc non posset, quia
 magis est principium quod potest esse principium sui ipsius et aliorum quam quod
 aliorum tantum.

19 Ad aliud [5] solutum est [6].

20 Ad aliud [7] solvendum est per intere<m>ptionem huius: 'Pater non
 110 potest minorari', immo potest, sicut Filius minoratus est. Sed non potest
 minorari, id est, aliquid de magnitudine sua amittere.

21 Ad aliud [8] dicendum quod Pater in quantum Deus non potest aliquid
 habere de non-ente, et in quantum huiusmodi verissime est ens. Sed si esset
 creatura in quantum huiusmodi, non esset verissime ens, et quod dicit quod
 115 verissime est quod nec actu nec potentia habet aliquid de non-ente, intelligendum
 <est> quantum ad illam naturam secundum quam verissime est ens.

22 Ad aliud [9] dicendum quod bonum actu est obiectum voluntatis Dei,
 <sed> bonum commune ad bonum actu et habitu est obiectum potentiae Dei et
 ideo non valet: 'Noluit; ergo non potuit': fallacia consequentis.

23 Ad aliud [10] potest dici quod non vult dicere Augustinus quod si Pater
 apparuisset in subiecta creatura quod sequeretur ista absurditas quod diceretur
 missus a Filio aut a Spiritu Sancto, sed vult dicere quod si apparuisset in subiecta
 creatura, non propter hoc diceretur missus a Filio aut a Spiritu Sancto, quia
 primum potest dici, secundum vero esset absurdum. — Vel potest dici quod
 125 loquitur manente ordine qui nunc est. — Vel dic: absurdissime diceretur, id est,
 dici videretur.

24 Ad aliud [11] dicendum quod illa praedicatio est quasi accidentalis, et
 quod obicit quod omne quod praedicatur de alio accidentaliter sumitur concreative,
 dicendum quod ita est in naturalibus ubi non est una hypostasis duarum
 130 naturarum.

103 maxime: maxima *MS.*
 pdicit *MS.*

107 aliorum *corr. s.s. ex sui ipsius MS.*

124 potest dici²:

<Quaestio 5>

<De natura assumpta>

(a) <Utrum Deus assumpsit hominem>

1 Ps: *Beatus quem elegisti et assumpsisti*. Ergo assumpsit hominem.

2 Item, Coloss 2: *In quo habitat omnis plenitudo divinitatis corporaliter*,
5 Glossa: 'Omni modo inhabitandi, ita ut personaliter sit ei unita deitas in quo habitat omnis plenitudo.' Ergo homini est unita deitas. Ergo deitas assumpsit hominem.

3 Item, Joan 1: *Verbum caro factum est*, et dicitur quod hoc dictum est improprie, sed proprie dicitur: 'Verbum factum homo'. Ergo haec est propria:
10 'Homo assumptus est', ista autem impropria: 'Caro vel humana natura assumpta est'.

4 Item, ibi 1 Cor 1: *Si cognovissent*, etc., Glossa: 'Talis fuit illa susceptio quae hominem faceret Deum et Deum hominem.' Sed hoc fecit per unionem. Sed unire est in unum ire. Deus ergo et homo venerunt in unum, non Deus et humana
15 natura.

5 Item, Philip 2: *Formam servi accipiens*, Glossa: 'Forma hominis accessit, non forma Dei discessit.' Sed forma hominis non est corpus et anima (illa enim sunt materia) sed coniunctio. Ergo non assumpsit corpus et animam nisi in ratione coniuncti. Ergo accepit coniunctum; ergo hominem.

20 6 Item, Joannes Damascenus: 'Unitum est carni per medium intellectum Dei Verbum', et Augustinus dicit quod 'unitum est mediante anima': aut per animam

12 ibi: i MS.

3 assumpsisti: Ps 64: 5. 4 corporaliter: Col 2: 9. 6 plenitudo: Lombardus, *Glossa* in Col 2: 9 (PL 192.272C): '*Quia in ipso, Christo, inhabitat plenitudo divinitatis omnis*, id est omnino (!) inhabitandi, ut etiam personaliter sit ei unitus quod non est in aliqua creatura ... sed de solo capite nostro dicitur: quia in ipso inhabitat plenitudo divinitatis' Secunda pars textus est Augustini, *Ep.* 187 *ad Dardanum (De praesentia Dei)* 38-39 (PL 33.847; CSEL 57.116). 8 est: Jo 1: 14. 9 homo: Cf. *Glossa interlin.* in Jo 1: 14 (apud Lyranum 5.187v): 'caro: homo', et Lombardus, *Glossa* in Rom 1: 3 (PL 191.1307C): 'Ipsum Verbum Dei dico carnem factum, id est hominem factum' 12 cognovissent: Cf. 1 Cor 2: 8. 13 hominem²: Lombardus, *Glossa* in 1 Cor 2: 8 (PL 191.1549B), ex Augustino, *De Trin.* 1.13.28 (PL 42.840; CCL 50.69). 16 accipiens: Phil 2: 7. 17 discessit: Lombardus, *Glossa* in Phil 2: 7 (PL 192.233D). 21 Verbum: Damascenus, *De fide orth.* 3.6 (PG 94.1005B; Buytaert, 189). anima: Cf. Lombardus, *Sent.* 3.2.2. (Quaracchi, 555): 'Assumpsit igitur Dei Filius carnem et animam, sed carnem mediante anima', et Augustinus, *Ep.* 140.4.12 (PL 33.543; CSEL 44.163): 'Verbum autem ... particeps carnis effectum est rationali anima mediante' Cf. etiam A. M. Landgraf, 'Das Axiom "*Verbum assumpsit carnem mediante anima*"' in *Dogmengeschichte der Frühscholastik* 2.1 (Regensburg, 1953), pp. 150-71.

in ratione animae aut in ratione animae coniunctae. Si primo modo: sed eadem est ratio animae coniunctae et separatae. Ergo si uniretur animae separatae, uniretur per illam corpori, et hoc falsum; ergo secundo modo. Ergo unitur
 25 homini, cum coniunctio faciat hominem.

7 Item, coniunctum peccat, quia si anima tantum peccaret, puniri deberet sine corpore, et ita non resurgeret corpus. Ergo morbus coniuncti est. Ergo medicina coniuncti debet esse. Sed assumptio illa est medicina, quia dicit Joannes Damascenus: 'Quod inassumptibile est, incurabile est.' Ergo quod assumptibile
 30 curabile; ergo assumptio curatio. Ergo assumptum est coniunctum.

8 Item, assumpsit corpus aut animatum aut inanimatum: non secundo modo, ergo primo; aut sensibile aut insensibile: non secundo modo, ergo primo. Ergo assumpsit corpus animatum sensibile, ergo animal: non nisi hominem. Ergo assumpsit hominem.

35 9 Item, quare non assumpsit hominem? Si dicat quod quia assumens non est assumptum: sed ille homo est Deus et quidquid dicitur de illo homine < dicitur > et de Deo, et e converso. Sed nonne bene dicitur: 'Creator est creatura'? Constat quod sic. Ergo bene dicitur: 'Assumens est assumptum'.

10 Dicendum quod utraque opinio bene supponit quod assumens non est
 40 assumptum et habet hoc quasi principium. Ratio autem huius opinionis quae dicit quod non assumpsit hominem sed humanam naturam haec est quia cum sit certum quod deposuit coniunctum in triduo, si concederetur quod coniunctum assumpsit, necesse esset concedere quod deposuit quod assumpsit cum tamen omnes auctoritates clament contrarium.

45 11 Unde quod obicitur: *Beatus quem elegisti* [1], id est, cuius naturam. Similiter intelligitur illud ad Col ut ei sit unita deitas [2], id est, eius naturae, et quod dicit Glossa super illud: 'Factus est ille homo una persona cum Verbo', exponendum est, id est, factum est ut esset una persona. Et omnes auctoritates fere dicunt quod assumpsit non humanam naturam, sed hominem, ad innuendum
 50 quod humana natura non est facta Deus, sed quod innuatur quod homo factus est Deus.

12 Quod obicit: 'Talis fuit illa susceptio', etc., exponendum, id est, ex illa susceptione factum est. Unde Joannes Damascenus: 'Non hominem deificatum dicimus, sed Deum humanatum.' Et bene concedo quod improprie dicitur *Verbum*
 55 *caro factum est* et proprie *Verbum homo factum est* [3], non tamen haec est impropria: 'Humana natura assumpta est' quia 'assumit' significat initium ipsius

56 initium: materiam MS.

29 est²: Damascenus, *De fide orth.* 3.6 (PG 94.1005B; Buytaert, 188). 47 Verbo: Lombardus, *Glossa* in Col 2: 9 (PL 192.273B), ex Augustino, *Ep.* 187 *ad Dardanum* 40 (PL 33.847; CSEL 57.117). 54 humanatum: Damascenus, *De fide orth.* 3.2 (PG 94.988A; Buytaert, 172).

fieri et non terminum, 'factum' autem dicit terminum, et quia homo terminus fuit illius assumptionis, vera est ista: 'Factus est homo', sicut haec est vera: 'Aer fit ignis'. Et bene concedo quod ille unus fuit Deus et homo [4], id est, una persona, et quod dicit Damascenus: 'Unitum est carni', etc. [6] dictum est non proprie sed improprie et per quandam adaptationem quia subtilior est natura animae quam natura corporis et sic unibilior; et improprietates non sunt extendendae.

13 Ad aliud [7] dicendum quod assumptio non est medicina, sed passio, et quod dicit Joannes Damascenus: 'Quod inassumptibile est, incurabile est', haec dicit de angelica <natura> quae dicitur inassumptibilis quia incurabilis. Et licet Creator sit creatura [9], non tamen assumens est assumptum: si enim hoc esset verum, cum deposuerit hominem sequeretur quod deposuisset quod assumpsit.

14 Et quod obicitur: 'Assumpsit corpus animatum', etc. [8], verum est, id est, <corpus> animâ vivificatum (si intelligas corpus quod est genus ad animal) factum est.

(b) <Utrum Christus secundum quod homo sit aliquid>

15 Dicit auctoritas: 'Qui dixerit Christum secundum quod homo non esse aliquid, anathema sit.'

16 Item, ad Rom in principio: *Factus ... ex semine David secundum carnem*, Glossa: 'Factus id quod non erat, prius manens quod erat.' Ergo factus est aliquid: constat quod non nisi homo. Ergo secundum quod homo est aliquid quod non erat ante. Ergo Filius Dei secundum quod homo dicit aliquid.

17 Contra: Dicit beatus Bernardus in libro quinto *De definitionibus*: 'Ut esset pulcherrima congruentia Creatoris ad Recreatorem, sicut in Creatore fuerunt tres personae et una natura, similiter in Recreatore fuerunt tres naturae et una persona.' Ergo si ratione unitatis in essentia dicuntur illae tres personae unum, ita ex hac parte ratione trium naturarum dicetur Christus tria.

18 Ad hoc solvunt magistri quod non sequitur, quia in Christo duae naturae (vel una, id est, homo, quia 'duas naturas' vocat corpus et animam) degenerant in accidens.

19 Contra: Substantia dicit quid et accidens dicit quale <223va> vel quantum, et sic de aliis generibus. Ergo, si illa natura in accidens degenerat, non dicit

73 sit: Alexander III, 'Quum Christus perfectus' (X.5.7.7); vide *Hyp. Union* 1.201.n.52. 75 erat²: Cf. Lombardus, *Glossa* in Rom 1: 3 (PL 191.1306B): 'Factus est sine dubio id quod prius non erat secundum carnem; secundum vero Deum, erat prius: et non erat quando non erat.' Ex Origene (versio Rufini), *In Rom* 1: 5 (PG 14.848C). 81 persona: Cf. Bernardus, *De consid.* 5.9.20 (Leclercq-Rochais, 483-84): 'Decuit et cum summa, quae in Deo est et Deus est, unitate congruere, ut quomodo ibi tres personae una essentia, ita hic convenientissima quadam contrarietate tres essentiae sint una persona. Videsne pulchre inter utramque unitatem hanc collocari, in eo utique qui constitutus est mediator Dei hominisque, homo Christus Deus? Pulcherrima, inquam, convenientia'

quid sed quale vel aliquo modo se habens. Si dicatur quod non est verum quia non degenerat in accidens simpliciter, sed secundum quod est in Christo, ergo
 90 secundum quod est in Christo non dicit quid eius, sed quale vel quomodo se habens. Ergo Christus secundum illam non est aliquid.

20 Item, in Christo est divina natura unita animae et carni, et utraque Filio Dei, et anima carni. Filius Dei coniungitur illis non per modum inhaerentiae sicut quantitas vel qualitas quia ista dicuntur inhaerere quia magis sequuntur rem ip-
 95 sam, neque adhaerent sicut alia accidentia quae magis a foris sequuntur rem. Ergo in ista unione neutra natura degenerat in accidens.

21 Item, humana natura meliorata est eo quod est unita divinae, non deteriorata. Ergo non degenerat ex illa unione in accidens.

22 Item, triplex est esse secundum illud Boethii: usia, usiosis, hypostasis,
 100 sicut est etiam in creaturis esse purum, et illud est in generibus, et esse formarum, et illud est in speciebus, et esse vestitum accidentibus, et illud est in individuis. Si Filius Dei est quid secundum quod homo, secundum cuiusmodi esse dicis illum esse quid? Si secundum illud secundum quod est individuum: sed tale quid non potest degenerare in accidens. Ergo non est verum quod degeneret in accidens.

105 23 Item, quaedam adiectiva trahunt sua <m> substantiam a ratione sua, ut cum dicitur 'homo mortuus'. Constat quod sic non est cum dicitur: 'Homo unitur Filio Dei': non enim li homo trahitur a ratione sua. Ergo cum alias <'homo'> dicat substantiam et hic dicit illam, ergo non degenerat in accidens.

24 Contra: Dicit Joannes Damascenus: 'In Domino nostro Jesu Christo non
 110 est communem speciem reperire.' Ergo 'homo' non praedicatur de Christo sicut de aliis. Ergo non praedicatur in quid.

25 Item, differentiae posteriores respectu generis per modum accidentis se habent, sicut rationale respectu animalis; respectu autem speciei per modum essentialis, sicut rationale respectu hominis. Ergo, cum Filius Dei prius fuerit
 115 Deus, postea homo, humanitas erit in Filio Dei per modum accidentis, respectu hominis per modum essentialis.

26 Respondeo dicendum quod Filius Dei secundum quod homo est quid sive aliquid: condemnata enim est illa opinio quae dixit quod non erat aliquid, et ad obiectum in contrarium [17] primo dicendum quod verum est quod in Re creatore
 120 est una essentia et tres personae et propter unitatem essentiae tres personae sunt unum. Christus vero, licet sint in ipso tres naturae, non est tria, et non est hoc ideo quia una degeneret in accidens, sed hoc est ideo quia sicut ex illa parte, licet

94 inhaerere: in homine *MS*. 96 degenerat: degnat *MS*.

99-101 triplex ... individuus: Cf. Boethius, *Contra Eut.* 3 (Rand, 86-90; PL 64.1344A-1345A). 110 reperire: Damascenus, *De fide orth.* 3.3 (PG 94.993A; Buytaert, 176).

tres sint personae, una est natura (in Trinitate autem sunt illae tres personae unum quia quaelibet illarum est illa essentia), in Christo non est sic quod illa
 125 persona sit quaelibet illarum naturarum. — Item, illae naturae sunt et in una hypostasi. Unde ab unitate hypostasis dicitur Christus unum et illae naturae ab unitate hypostasis numerantur.

27 Quod obicitur quod 'in Domino nostro Jesu Christo', etc. [24], dicendum quod ideo hoc dicit Joannes Damascenus ut ostendat quod non est mixta species
 140 ex deitate et humanitate in Christo sicut ex auro et argento fit electrum.

28 Quod obicit de differentiis consequentibus, quod sunt substantiales speciei et accidentales generi [25], bene concedo, sed non adaptat bene: non enim sequitur, si prior sit deitas et posterior humanitas, quod humanitas se habeat per modum accidentis ad Deum.

135 (c) <Utrum Christus sit duo>

29 Item, videtur quod Christus sit duo quia diversae differentiae accidentales faciunt alterum et alterum. Ergo diversae differentiae substantiales faciunt aliud et aliud. Sed in Christo sunt diversae differentiae substantiales. Ergo Christus est aliud et aliud; ergo duo.

140 30 Item, duae naturae erant in illo, ex quibus exercebat diversas actiones: ex humana enim bibebat, comedebat; ex divina faciebat miracula. Sed divina faciebat quid; ergo et humana. Ergo erat duo quid.

31 Contra: In anima sunt diversae differentiae essentiales: concupiscibilis, irascibilis, rationalis, sed non omnes faciunt animam quid, immo dignior. Ergo in
 145 Christo dignior differentia faciebat illum quid. Ergo erat unum quid et non duo.

32 Sed contra: Secundum quod homo erat quid, quia aliquid, et secundum quod Deus. Ergo aut illud quid quod erat ante erat secundum quod homo, aut aliud. Si idem, et factus est illud, ergo factus est Deus. Si aliud, ergo erat duo quid.

150 33 Item, Philip 2: *Habitu inventus ut homo*, ibi dicit Augustinus quod habitus dicitur multis modis, et post dicit quod unus modus est sicut homo dicitur habere vestem quae, cum induitur, non mutatur in essentia sua, sed secundum dispositionem induentis formam quandam et dispositionem recipit, et secundum hoc intelligitur illud Apostoli: *Habitu inventus ut homo*. Ergo 'homo' praedicatur
 155 de Filio Dei ut vestis de homine, sed licet vestis dicat quid de se (quia bene dicitur 'Vestis est aliquid'), non tamen praedicat quid de induto: non enim dicitur 'Homo est vestis', sed 'Homo est vestitus'. Ergo videtur quod 'homo' de Deo non praedicet quid, neque debeat dici 'Deus est homo', sed 'Deus est humanatus'.

123 in Trinitate: i Christo *MS*. 131 speciei: species *MS*.

150 homo: Phil 2: 7.

34 Item, 'accidens est ... quod adest et abest', etc. Sed talis est humanitas
 160 adveniens deitati. Ergo per modum accidentis se habet.

35 Item, paternitas adveniens homini trahit ipsum ad aliud genus. Ergo humanitas adveniens Deo trahit ipsum ad aliud genus.

36 Respondeo: Filius Dei secundum quod homo est aliquid et est unum
 165 secundum unam opinionem. Secundum aliam est duo neutraliter. Si sustineatur quod est unum, dicetur ad illud quod obicitur quod diversae differentiae accidentales faciunt alterum et alterum, ergo et substantiales aliud et aliud [29], quod non sequitur quia non fit unio <223vb> accidentis ad accidens, sed humanitatis ad deitatem fit unio.

37 Quod obicitur postea quod illae diversae naturae faciunt diversas actiones,
 170 ergo diversa quae [30], dico quod non sunt diversae actiones quia diversae naturae: non enim diversitas actionum teneatur a diversitate naturarum sed quandoque a diversitate temporis, quandoque a diversitate spatii, quandoque a diversitate materiae.

38 Item, 'Filius Dei incepit esse homo et secundum quod homo est aliquid;
 175 ergo incepit esse aliquid': non valet: fallacia secundum dictionem a restricta ad ampliata, quia in minori iste terminus 'aliquid' tenetur pro creato, in conclusione quasi convenit ad creatum et increatum. Vel est fallacia consequentis ab inferiori ad superius negando.

39 Item, 'Filius Dei semper fuit quid quia divina essentia, et incepit esse
 180 quid quia homo: aut idem quid quod erat prius, aut aliud; si idem, ergo incepit esse divina essentia; si aliud, ergo divina essentia non est homo' [32] neque valet ideo quia hoc 'quid' est illud, et ideo non potest dici aliud neque idem cum hoc creatum, illud increatum.

40 Item, non valet: 'Filius Dei incepit esse haec res aeterna', demonstrato
 185 homine qui est Filius Dei; 'ergo incepit esse res aeterna; ergo incepit esse aeternum; ergo incepit esse aeternus': quod falsum est quia li aeternus supponit pro persona.

<Quaestio 6>

<De statu Christi in triduo>

1 Quaeritur utrum Christus in illo triduo quo fuit in monumento fuerit homo
 vel non. Probatur quod tunc non fuerit homo: primo, per auctoritates. Dicit enim
 auctoritas: 'Tantae fuit subtilitatis divina natura quod non posset homini
 5 coniungi nisi mediante anima.' Sed tunc non iungebatur carni mediante anima.
 Ergo tunc non erat homo.

159 abest: Aristoteles, *Topica* 1.5 (102b4-7).

5 anima: Cf. Lombardus, *Sent.* 3.2.2 (Quaracchi, 555): 'Tantae enim subtilitatis atque sim-

2 Item, dicit Hilarius: 'Clamat caro poenis moritura, Verbi contestata discidium.' Sed si tunc divinitas discessit ab humana natura, ergo Christus tunc non fuit homo.

10 3 Eodem modo potest argumentari de illa auctoritate: 'Clamat caro separatione divinitatis moritura.' Similiter et de illa: *Deus, Deus meus, ut quid me dereliquisti?* Dicit enim Christus in quantum est homo se a divinitate derelictum. Ad idem facit illud: 'Anathema sit quicumque non dixerit Deum hominem deposuisse.'

15 4 Item, probatur in contrarium: si enim Christus in triduo illo non fuit homo, et divinitas humanam naturam assumpsit, ergo in resurrectione hominem assumpsit, et ita Christus bis fuit incarnatus, bis fuit passibilis, bis hominem assumpsit. Sed auctoritas contradicit: 'Anathema sit quicumque dixerit Deum denuo vel bis hominem assumpsisse.'

20 5 Solutio: Ad horum intelligentiam sciendum est quod alia fuit in Christo unio divinitatis ad humanitatem, alia corporis ad animam. Unio divinitatis ad humanitatem fecit eum hominem, unio corporis ad animam fecit eum vivere. Quamvis ergo anima separata sit a corpore, non ideo divinitas separata est ab humanitate, immo semper ei fuit coniuncta, sed tunc desiit vivere.

25 6 Et praedictae auctoritates caute sunt intelligendae: non enim revera Christus deposuit hominem vel dereliquit vel ab eo est separatus, sed haec omnia fecisse dicitur quia cum posset, noluit eum a morte tueri.

7 Item, posito quod simus in illo momento quo Christus moritur, quaeritur utrum haec propositio sit concedenda: 'Aliquid moritur': quae si concedatur, sic

10-11 separatione: separatatione *MS.* 28 posito: punito *MS.* momento: monumento *MS.*

plicitatis est divina essentia, ut corpori de limo terrae formato uniri non congruerit nisi mediante rationali essentia.' Cf. q. 5, n. ad l. 21.

8 discidium: Cf. Hilarius, *In evang. Matthaei commentarius* 23: 6 (PL 9.1074B-1075A): 'Clamor vero ad Deum, corporis vox est, recedentis a se Verbi Dei contestata dissidium'; cf. etiam Abaelardus, *Sic et non* 81 (PL 178.1465C). 11 moritura: Ambrosius, *Expositio evang. sec. Lucam* 10.127 (PL 15.1929A; CCL 14.381): 'Clamavit homo diuinitatis separatione moriturus.' 12 dereliquisti: Mt 27: 46; Mc 15: 34. 14 deposuisse: Videtur respicere textum citatum a Lombardo sub nomine Athanasii (*Sent.* 3.21.1; Quaracchi, 646): 'Maledictus qui totum hominem quem assumpsit Dei Filius, denuo assumptum vel liberatum tertia die a mortuis resurrexisse non confitetur. Fiat, fiat.' Textus est Eusebii Vercellensis, *De Trin.* 6.15.30b (CCL 9.87-88; PL 62.280A). 19 assumpsisse: Hanc auctoritatem non inveni; fortasse auctor respicit textum Lombardi (ibid.), qui negat priorem interpretationem citationis ps.-Athanasii. Cf. *Summa sententiarum* 1.19 (PL 176.78D-79A): 'Quidam volunt dicere quod a carne separata sit divinitas, non ab anima, quibus non est credendum cum dicat Leo papa: Ex quo hominem assumpsit non deposuit', et Leo I, *Sermo* 71.2 (PL 54.388A): '... quoniam Deitas quae ab utraque suscepti hominis substantia non recessit, quod potestate divisit, potestate conjunxit.'

30 inde: Aliquid quod est Christus moritur; Pater nihil aliud est quam Christus; ergo aliquid quod est Pater moritur.

8 Ad hoc dicimus quod non est concedenda, quia 'aliquid' refert substantiam; sed ista potest concedi: 'Aliquis moritur', quia 'aliquis' refert personam.

35 9 Item, corpus et anima sunt partes constituentes hominem. Illa duo non erant sibi unita <in triduo>. Ergo non efficiebant aliquem hominem. Ergo Christus tunc non erat homo.

10 Ad hoc dicimus quod argumentum falsum est: non enim, ut dictum est [5], unio corporis et animae Christum efficiebat hominem <4vb>: aliter enim
40 fuit in Christo, aliter in nobis. In Christo tria sunt: divinitas, corpus, et anima; in nobis duo tantum: corpus et anima.

11 Item, quaeritur utrum Christus tunc fuerit passibilis vel impassibilis, mortalis vel immortalis.

12 Ad hoc dicimus quod passibilis vel mortalis non erat quia pati vel mori
45 non poterat; similiter nec impassibilis nec immortalis <erat> quia homo mortuus erat.

13 Item, Christus in illo triduo verus homo fuit. Ergo tunc potuit esurire et sitire et huiusmodi.

14 Solutio: Unio corporis et animae, quae faciebant eum esurire et sitire,
50 tunc non erat in eo quia anima separata erat a corpore, et ideo non poterat esurire.

15 Item, unio divinitatis ad corpus tantum non efficiebat Christum hominem; similiter nec unio divinitatis ad animam. Divinitas in sepulchro unita erat corpori tantum et non animae, in inferno animae tantum et non corpori.
55 Nusquam tunc erat unita animae et corpori. Ergo nusquam tunc erat homo.

16 Solutio: Argumentum falsum est. Instantia: Nullus est bigamus nisi duas uxores habeat. Iste in hac civitate non habet nisi unam uxorem; in illa non habet nisi aliam tantum. Nusquam simul secum habet duas uxores. Ergo non est bigamus.

<Quaestio 7>

<De unione divinae naturae cum humana>

1 Quaesitum est de unione divinae naturae cum humana, et primo, utrum divina natura assumpsit humanam; secundo, in quo conveniat humana natura cum divina tamquam in uno vel in unito; tertio, utrum aliquod medium fuerit

30 *Post* Christus² *add.* aliquid quod est Christus moritur *MS.*

5 disponens animam ut esset extremum unionis, in quo medio praecesseret alias animas.

(a) <Utrum divina natura assumpsit humanam naturam>

2 Circa primum sic obicitur: Divina natura communicat operationes suas tribus personis. Si ergo vera sit ista: 'Divina natura assumpsit humanam natu-
10 ram', et tota Trinitas assumpsit humanam naturam, ergo Pater et Spiritus Sanctus, quod absit.

3 Forte dicit quod 'assumere' non dicit operationem prorsus essentialem, sed coimportat aliquid quod est personae, unde est sensus: Divina natura assumpsit humanam, id est, sibi in persona Filii sociavit humanam naturam. — Tunc
15 obicitur de hac: 'Divina natura univit sibi humanam naturam.' In hac propositione non <est> nisi quod prorsus personae est essentielle. Sed illud quod personae est essentielle communicatur a tribus personis. Ergo unire sibi humanam natura<m> communicatur a tribus personis. Ergo Pater univit sibi humanam naturam. At hoc falsum, cum ante videatur quod cum dicitur 'Divina
20 essentia univit sibi humanam naturam', et hoc 'univit' et hoc pronomen 'sibi' sint personae essentialia.

4 Item, circa hoc obicitur: 'Divina natura idem est quod Filius Dei'; item, 'Natura humana quae unita est divinitati eadem est cum Filio Dei.' Fiat ergo hoc argumentum: Uniens prorsus idem est <cum> divina natura, et hoc unitum,
25 scilicet, humana natura, idem prorsus; ergo et modus uniendi idem, sicut modus unionis idem. Ergo quicquid propter unionem illam dicitur de uno, ut de humana natura, et idem <dicetur> de <alio, id est, de> natura divina. Ergo divina natura passa est, mortua, etc., sicut incarnata.

5 Ad idem Gregorius: 'Venit ad nos calciata divinitas', id est, incarnata. Sed
30 secundum carnem <est> passio et mors. <130ra> Ergo <divinitas est> mortua et passa.

6 Sed quod non fuerit divina natura unita vel Filius Dei unitus humanae naturae, vel divina natura <unita> humanae naturae, videtur: In omni unione aliquid mutatur. Ex parte unientis nihil mutatum est (ex parte unientis, scilicet,
35 divinae naturae). Ergo si univit, semper univit, sicut si natura agit aliquando et nihil mutatur ex parte eius, semper agit. — Dicit forte: Non tenet in voluntariis actionibus, ut in monachum in quo nihil mutatur, et tamen comedit fabam quando vult, sed non semper. Sic quando voluit, <Deus > univit, non tamen

5 disponens *corr. ex dispositiones MS.*

9 si: cum *MS.*

16 *Post prorsus add. et MS.*

29 divinitas: *Homiliae in Evang.* 1.7.3 (PL 76.1101D).

semper. — Contra: Mutatum est in monacho aliquid ex parte voluntatis, sed hic nihil mutatum est, etiam ex parte voluntatis. Ergo non est instantia.

7 Ad hoc dicimus quod 'assumere' dicitur tripliciter: in scripturis enim dupliciter reperitur: dicitur enim assumptio 'in se' et 'ad se' tamquam partem sui sumptio, et sic proprie dicitur. 'Ad se', dico, non 'ad alium'. Hoc modo Filius Dei assumpsit humanam naturam ad se et in se. Minus proprie vero dicitur
45 assumptio 'sibi sociatio', sicut 10 Matt: *Assumpsit Jesus Petrum et Jacobum*: sic divina natura (licet non ex toto sit simile) humanam naturam assumpsit, id est, sibi in persona Filii, non in se, sociavit vel univit. Tertio modo dicitur assumptio 'ad aliquid sumptio', ut ad aliquod officium: sic dominus servum assumit, et sic Spiritus Sanctus assumpsit columbam. Cum ergo dicitur 'Divina natura assumpsit
50 humanam', minus proprie dicitur.

8 Ad id ergo quod obicitur quod divina natura communicat operationes [2], responsio: Intelligitur de operatione personae essentiali, non de illa quae tangit personam, et est in argumento fallacia accidentis figurae dictionis secundum *** quia habet tria praedicata: quis et quid et quae.

9 Ad aliud quod obicitur quod divina natura univit sibi humanam, sed li sibi et li univit non dicunt nisi <quod> personae <est> essenziale [3], falsum est quia li sibi importat non in se sed in persona Filii. Aliter falsum esset si in se uniret, et ita non est personae essentialis. Variatur autem 'sibi', sicut cum dicitur 'Pater sociavit sibi', quia est personale; unde non valent huiusmodi argumenta
60 quae hic fiunt.

10 Ad aliud quod ibi obicitur quod idem est uniens et unitum prorsus, ergo et modus uniendi sive modus unionis [4], non sequitur quia idem est uniens in re sed non idem ratione: persona enim Filii idem est cum divina essentia in re sed differt ratione: est enim essentia communicabilis, scilicet, tribus personis,
65 <sed> solitaria quia non est nisi una essentia immultiplicabilis quia non generat neque spirat. Persona vero multiplicabilis, non solitaria <sed> incommunicabilis, et propter hoc variatur modus unionis, quia non est multiplicabilis, etc., nec habet proprietates omnes personarum.

11 Ad aliud quod obicitur quod deitas incarnata et passa et mortua <est> [4], dicendum quod proprietates inhaerentes carni conveniunt Filio Dei quia in eadem hypostasi univit sibi carnem, quod non <fecit> divina natura, sed sibi in hypostasi Filii sociavit, ut dictum est.

40 instantia: instatiam MS. 48 ad² s.s. MS. 49 natura: naturam MS. 54 quia: qui MS. 55 natura: naturam MS. 56 essenziale: essentiam MS. 58 Post ita add. ad ita MS. variatur autem sibi sicut corr. ex narratur sibi MS. autem: a MS.

12 Quod autem obicitur quod deitas est incarnata (de Gregorio) [5], respon-
sio duplex, id est, Filius Dei qui est deitas est incarnatus; vel est incarnata, id est,
75 carni unita in hypostasi Filii. Quia ergo in se non univit, non conceditur quod
passa vel mortua, sed Filius Dei passus vel mortuus.

13 Ad aliud quod obicitur quod nihil mutatum est, ergo semper agit [6],
dicendum quod non sequitur et quod istud non habet locum in operatione volun-
taria, voluntate non subiecta, ubi se ipse vult et agit et est voluntas idem quod
80 ipse.

(b) <In quo convenit humana natura cum divina tamquam in uno vel in unito?>

14 Circa secundum articulum obicitur: Divina natura unita est humanae
naturae: omnis autem unio ad unum est. Quaeritur ergo quid sit illud unum quod
est ex illa unione. Constat quod non est natura quia non <est> una natura ex
85 his. Si <est> unum quod est persona Filii Dei, quicquid illud sit quaero? Illud
unum aut est unum per se aut per accidens: non per accidens quia accidens non
cadit ibi; ergo per se. Tunc quaeritur: vel unum numero vel specie vel genere?
Datum est quod unum numero; tunc quaeritur: aut differentiâ aut nomine aut ac-
cidente? Non accidente, ut prius, neque nomine: non <nomine> propter diver-
90 sitatem nominum idem significantium. Hoc est ergo <unum> differentiâ.
<130rb> Sed quicquid est tale unum numero est unum specie et genere. Ergo
ibi est unitas speciei et generis. Sed non est unitas speciei aut generis nisi sit
unitas naturae communis. Est igitur ibi unitas naturae communis, quod absit, vel
ante unionem erat ibi divisio causaliter, et factum est ibi unum ex uniente et unito.

95 15 Sed contra: Sic est in omnibus quod illud quod unit non est illud unum
quod resultat ex partibus, ut spiritus medii qui uniunt animam et corpus non sunt
illud unum quod resultat, scilicet homo. Similiter nec punctus qui unit duas lineas
est linea. Ergo si Filius Dei est uniens, non erit unum quod resultat ex unione
divinae naturae et humanae.

100 16 Item, humana natura est unita divinae naturae. Ergo conveniunt in
unione. Sed illa unio non est divina natura; ergo creatura. Ergo conveniunt in
creatura.

17 Item, cum dicitur 'Humana natura est unita divinae naturae', ex parte
humanae naturae est relatio creatura. Sed cum omnis relatio habeat sua<m>
105 correlationem, ex parte divinae naturae ergo <erit> correlatio et sic correspon-
dens, et sic convenientia erit in creatura vel erit proprietas <creata> in deitate.

77 agit: aget *MS.* 82 circa: contra *MS.* 92 speciei¹: spei *MS.* speciei²: spei *MS.*
aut *corr. s.s. ex et MS.* 104 creatura: *fort. creata legendum est* 106 convenientia: con-
venienter *MS.*

18 Responsio: Divina natura et humana unitae sunt in persona Filii Dei et persona Filii Dei illud unum <est> quod est ex unione divinae naturae et humanae: persona dico Filii Dei, quae persona composita <est post unionem,
 110 sed> prius simplex.

19 Ad illud quod postea quaeritur utrum unum per se, etc. [14], dicendum est unum per se et unum numero: non numero essentiali sed numero personali, quod non est sub alio quia non est numerus naturae sed moris. Unde <non> sequitur: Ergo unum specie vel genere: persona enim non est sub aliquo in quantum
 115 persona eo quod per se unum est, habens suum <esse> distinctum. Proprie aut singulare sub communi, persona re sub unibili, individuum sub specie, et hoc verum est de individuo naturae, non de individuo moris quod est persona, quod sub nullo est.

20 Ad aliud quod obicitur [15] sciendum tria: Prius est quod est aliquod uniens per quod aliqua uniuntur, non in quod neque quod sit unitum, ut spiritus
 120 medii inter animam et corpus. Item, est aliquod uniens per quod <et> in quod et non quod est unitum, ut punctus quod unit lineas. Item, est aliquod uniens per quod et in quod et quod <est unitum>, ut Filius Dei, et ideo non est verum generaliter quod ibi dicitur de omni uniente.

21 Ad illud quod obicitur: 'Quia conveniunt in unione, ergo in creatura vel concreatura' [16], dicendum quod non sequitur: communicant enim in unione
 125 non formaliter, scilicet, non per proprietatis communitatem sed solum per effectum, ut sit sensus: Divina natura facit ad hoc quod ei sit unita humana natura. Similiter, humana natura facit ad hoc quod ei sit unita divina natura, sicut dicitur
 130 quod Petrus et Deus communicant in iustitia quia in effectu, licet iustitia sit essentia Dei <et> Petro accidat. Verumtamen possumus dicere quod non communicant in unione quia ex parte divinae naturae est activa unio, ex parte humanae naturae passiva.

22 Ad aliud [17] dicendum quod mutua relatio habet locum ubi in utroque
 135 extremitatum invenitur proprietas, sed hic solum in altera reperitur, et ideo hic non habet locum.

(c) <Utrum aliquod medium fuerit disponens animam ut esset extremum unionis.>

23 Circa tertium articulum <quaeritur> utrum scilicet aliquod medium
 140 fuerit disponens animam ut esset extremum unionis, et videtur quod sic: dicit

109 Post composita spatium exh. MS. 113 unde: unum MS. 116 persona re: personare MS. 120 Post non in quod add. neque in quod MS. 131 Petro: Petrus MS. 133 passiva: passura MS.

enim Augustinus in libro *De divinitate et humanitate Christi*: 'Anima illa com-
munitatem et dignitatem accepit a Filio Dei ut, talis existens, Filio Dei uniretur,
et caro tali anima mediante.' Illa autem dignitas quae communitatem habet ut
145 uniatur Filio Dei, quam accepit anima a Filio Dei, quid est nisi gratia specialis
media ad uniendum, in qua excessit alias animas? Ergo mediante illa unita est
anima illa divinae naturae.

24 Ad idem Augustinus in eodem libro: 'Anima Christi *uncta est oleo
laetitiae prae participibus suis* et est peccati incapax, id est, non capax'. Sed
creatura rationalis omnis, si sit peccati non capax, hoc est per gratiam. Ergo talis
150 est anima Christi in unione et ab unione: aliter enim non uniretur Filio Dei. Ergo
per gratiam unita fuit Filio Dei. <130va>

25 Item, omnis creatura gerit vestigium Trinitatis secundum aliquas
proprietates medias, scilicet, secundum unitatem, veritatem, bonitatem. Secun-
dum unitatem assimilatur potentiae, quae appropriatur Patri; secundum veri-
tatem assimilatur sapientiae, quae appropriatur Filio; secundum ordinem
155 <assimilatur> bonitati, quae appropriatur Spiritui Sancto. Similiter, creatura
rationalis, quae est anima, gerit imaginem secundum proprietates alias, scilicet,
secundum memoriam, intelligentiam, et voluntatem. Similiter, anima iusti gerit
similitudinem Dei per gratiam, et anima<e> beatorum per gloriam, et sic omnis
160 conformitas vel unio fit per mediam proprietatem. Ergo et associatio vel unio

141 divinitate: divinatate *MS*. humanitate: humanatate *MS*. 150 unione² *corr. s.s. ex*
unone *MS*.

141-143 Augustinus ... mediante: Hic liber, quem non inveni, forte erat dependens (saltem ex parte) ex Origene ita ut duo libri textuum dependentium aut citatorum ex opere eius *De principiis*, qui editi sunt inter opera Augustini sub titulo *De Incarnatione Verbi ad Januarium* (PL 42.1175-94): textus hic citatus summarium videtur Origenis, *De principiis* (versio Rufini) 2.6.3 (GCS 22.142-43; PG 11.211C-212A; cf. *De Incarn. Verbi ad Jan.* 2.19: PL 42.1190-91): '... illa anima ... ab initio creaturae et deinceps inseparabiliter ei atque indissociabiliter inhaerens, utpote sapientiae et verbo dei et veritati ac luci verae, et tota totum recipiens atque in eius lucem splendoremque ipsa cedens, facta est cum ipso principaliter unus spiritus Hac ergo substantia animae inter deum carnemque mediante ... nascitur, ut diximus, deus-homo, illa substantia media existente, cui utique contra naturam non erat corpus assumere Unde et merito pro eo quod vel tota esset in filio dei vel totum in se caperet filium dei, etiam ipsa cum ea quam assumerat carne dei filius et dei virtus, Christus et dei sapientia appellatur' Philippus Cancellarius etiam citat *De div. et human. Christi* ut opus Augustini: vide *Quaest. de Inc.* 2.20 (*Hyp. Union* 4.175). 148 suis: Ps 44: 8. capax: Summarium videtur Origenis, *De principiis* 2.6.4-5 (GCS 23.144-45; PG 11.212C-213C; cf. *De Incarn. Verbi ad Jan.* 2.19: PL 42.1191-92). Textus noster similior est summario in *De Incarn. Verbi ad Jan.* 2.19 (PL 42.1189-90): 'Haec vero anima quae in Christo fuit ... quia dilexit iustitiam, et odio habuit iniquitatem, propterea unxit eam Deus oleo laetitiae prae participibus suis. Oleo ergo laetitiae ungitur, cum Verbo Dei immaculata foederatione conjuncta est: et per hoc sola omnium animarum peccati incapax fuit' Cf. Philippus Cancellarius, *Quaest. de Inc.* 2.20 (*Hyp. Union* 4.175).

humanae naturae ad divinam fiet per proprietatem mediam: sed non nisi per gratiam, et inde ut prius.

26 Sed si hoc, ergo non aliter (in genere dico) unitur anima humana divinae naturae quam iusti Deo, etsi excellentiorem habeat gratiam.

165 27 Praeterea, in anima tria sunt: potentia, passio, et habitus. Gratia ergo illa, cum sit in anima, erit potentia, passio, vel habitus: non potentia vel passio (hoc constat); ergo habitus. Sed si est habitus, ergo scientia vel virtus. — Contra: Omnis scientia vel virtus sequitur rem existentem. Ergo prius fuit quam haberet, et prius unita fuit causaliter quam haberet.

170 28 Respondent quod per gratiam, non sicut anima iusti, unitur, quia illa gratia specialis gratia est et non de genere aliarum gratiarum.

29 Ad aliud [27] dicunt quod illud verum est de illis gratiis quae dantur secundum naturam humanam: haec autem supra est et specialis.

30 Sed contra: Si unitus est animae per gratiam, ergo non animae in se
175 proprie unitus est, sed animae gratiosae vel sub gratia, quod male sonat.

31 Item, ubi non est impedimentum, dat unicuique secundum propriam virtutem. Ergo qui est excellentior in naturalibus excellentiorem habet gratiam, et qui in summo et in toto <habet> gratiam, et in summo et <in> toto naturalia bona habet. Cum ergo data sit animae Christi gratia in summo quia *non ad mensuram*,
180 *suram*, ergo in summo bona naturalia habuit. Sed cum anima illa esset communicabilis et coniungibilis secundum naturalia, et ei qui in summo habet nihil deest, ergo animae illi nihil deest quin possit uniri. Ergo non oportuit gratiam mediam creari.

32 Quod concedimus, et ad auctoritates [23, 24] dico quod dicit Augustinus:
185 ‘Dignitatem congruam intelligimus bona naturalia in summo.’

33 Ad aliud [31] etiam dico quod bona naturalia in summo faciunt quod est non capax poni: quod enim in summo nec minui nec extendi potest eo quod perfectum.

34 Potest tamen obici: Corpus ab anima non tantum distat per similitudinem
190 quantum divina natura. Sed corpus Christi non est coniunctum animae sine medio. Ergo nec anima divinae naturae.

165 praeterea: postea *MS.* 170 anima *corr. ex animam MS.* 171 specialis: spiritualis *MS.* 173 specialis: spiritualis *MS.* 182 deest² *corr. s.s. ex dest MS.* quin: quid *P* 184 auctoritates: actoritates *MS.* 191 divinae: humanae *MS.*

179-180 mensuram: Jo 3: 34. 179-180 Cum ... habuit: Cf. Lombardus, *Sent.* 3.14.1 (Quaracchi, 608-609). 185 summo: Auctoritas ista, quam non inveni, fortasse est ex opere iam citato, *De divinitate et humanitate Christi.*

35 Cuius responsio est quod illa coniunctio animae fuit naturalis, non coniunctio animae ad divinam naturam.

195 36 Si tamen obiciatur: 'Unitio miraculose totum factum', verum est a principio separationis carnis a Virgine, sed post, organizato tamen corpore, licet in instanti totum fieret, anima naturaliter fuit unita.

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195 corpore: causaliter *MS.*

A HAGIOGRAPHIC POLEMIC

Marvin L. Colker

CONFUSION arose in the eleventh century about the location of the remains of Saint Mildred,¹ second abbess (c. 691-700) of Minster in Thanet.² This confusion became the basis of a controversy between two monastic houses at Canterbury, St. Augustine's and St. Gregory's.³ The monks of St. Augustine's maintained that St. Mildred's relics had been translated from Thanet to their house in 1030 under Abbot Aelfstan and with permission of King Cnut.⁴ On the other hand, the members of St. Gregory's believed that their founder, Archbishop Lanfranc, had authorized the removal of the relics, together with those of St. Eadburga,⁵ from Lyminge in Kent to St. Gregory's in 1085.⁶ After all, St. Gregory's foundation charter, issued by Lanfranc c. 1086, said: 'in quam [ecclesiam S. Gregorii] deferri fecimus beatarum uirginum Aedburgis et Mildrithe corpora necnon et corpus regine Northanimbrorum Ethelburge Que uidelicet

1 On St. Mildred see especially: T. D. Hardy, *Descriptive Catalogue of Materials Relating to the History of Great Britain and Ireland* 1.1 (RS 26; London, 1862), pp. 376-83; R. C. Jenkins, 'St. Mary's Minster in Thanet and St. Mildred', *Archaeologia cantiana* 12 (1878) 185-87; BHL nos. 5960-64; DNB 13. 376-77; F. E. Harmer, *Anglo-Saxon Writs* (Manchester, 1952), pp. 456, 567-68; P. H. Sawyer, *Anglo-Saxon Charters: An Annotated List and Bibliography* (London, 1968), nos. 17, 26, 86, 87, 1180; Leonard Boyle, 'Mildburga, Mildreda e Mildgitha', *Bibliotheca sanctorum* 9 (Rome, 1967), cols. 479-82.

2 Concerning the convent see especially: John Lewis, *The History and Antiquities, as well Ecclesiastical as Civil, of the Isle of Tenet, in Kent* (London, 1736), pp. 76-121 passim; William Dugdale, *Monasticon anglicanum* 1 (London, 1817), pp. 447-50; Jenkins, 'St. Mary's Minster', 177-96; *VCH Kent* 3 (London, 1932), pp. 243, 266; L. H. Cottineau, *Répertoire topographique des abbayes et prieurés* 2 (Mâcon, 1935-39), cols. 3141-42; Harmer, *Anglo-Saxon Writs*, pp. 192, 456-57; David Knowles and R. N. Hadcock, *Medieval Religious Houses: England and Wales* (New York, 1972), pp. 55, 70.

3 On the quarrel see Jenkins, 'St. Mary's Minster', 192-94; William Stubbs, 'Mildred', *Dictionary of Christian Biography* 3 (London, 1882), p. 915; Wilhelm Levison, *England and the Continent in the Eighth Century* (Oxford, 1946), p. 199 n. 1; Harmer, *Anglo-Saxon Writs*, pp. 191-95.

4 See n. 9 below, also *Libellus*, printed below, chap. 17. Cf. Frank Barlow, 'Two Notes: Cnut's Second Pilgrimage and Queen Emma's Disgrace', *English Historical Review* 73 (1958) 649-51.

5 About St. Eadburga (Edburga, Edburgis) see n. 21 on *Libellus*.

6 Cf. n. 16 below, and *Vita ... Edburgis*, printed below, chap. 21.

corpora apud uillam nostram de Lymminges ab antiquo in ecclesia ipsius uille tumulata inuenta sunt.⁷

Indeed considerable prestige must have attached to the possession of St. Mildred's bones, and St. Augustine's, the most ancient monastic house of England (established c. 600), might resent the relics-claim of St. Gregory's, just recently founded about 1084.⁸ In its zeal to counter-claim St. Mildred for itself, St. Augustine's could cite more than one piece of unreliable evidence: a writ supposedly issued by King Cnut declares that he gave St. Mildred's remains to the monastery of St. Augustine, but the writ may not be authentic;⁹ a charter purporting to be by Edward the Confessor confirms St. Augustine's ownership of Thanet, but Levison and Harmer regard the charter as a forgery;¹⁰ an epitaph of St. Mildred at St. Augustine's records her translation to this institution in 1030, but the epitaph is transmitted only from the latter part of the thirteenth century.¹¹

Already in the first half of the twelfth century, William of Malmesbury expresses no doubt about the relics of St. Mildred being at St. Augustine's.¹² Later two historians of the monastery, William Thorne and Thomas of Elmham, champion their house in the dispute. William, whose chronicle proceeds to A.D. 1397,

7 Ed. A. M. Woodcock, *Cartulary of the Priory of St. Gregory, Canterbury* (Camden 3rd Ser. 88; London, 1956), p. 1.

8 For the two founding dates see Knowles and Hadcock, *Medieval Religious Houses*, pp. 61, 152. Forged privileges favoring St. Augustine's abbey lay stress upon its being the oldest monastic house in England and therefore having precedence over other English monasteries: see Levison, *England and the Continent*, pp. 182, 198, 219.

9 The writ is published by J. M. Kemble, *Codex diplomaticus aevi saxonici* 6 (London, 1848), pp. 189-90, no. 1326, and by Harmer, *Anglo-Saxon Writs*, p. 198 (with notes on pp. 454-57). For the view that the writ is of dubious authenticity see Harmer, pp. 190, 195. Concerning the writ see also G. J. Turner and H. E. Salter, *The Register of St. Augustine's Abbey Canterbury Commonly Called the Black Book* 1 (London, 1915), p. xxxiii; Sawyer, *Anglo-Saxon Charters*, no. 990.

10 The charter is published by Kemble, *ibid.* 4 (London, 1846), pp. 236-38, no. 900. On the charter as a forgery see Levison, *England and the Continent*, pp. 182-99 and Harmer, *Anglo-Saxon Writs*, p. 195. See also Turner and Salter, *ibid.*, p. xxxix and Sawyer, *Anglo-Saxon Charters*, no. 1048.

11 The epitaph was added to MS. Harley 105, fol. 133v: ' + Clauditur hoc saxo Mildretha sacerrima uirgo, / cuius nos precibus adiuuet ipse deus. Amen. / Verbi incarnati mxxx'o ego Aelfstanus abbas / transtuli corpus beate uirginis de insula Taenet / et hoc in loco honorifice condidi. / + Ego abbas Rogerus II'us ipsum corpus sub testimonio / bonorum uirorum inspexi et iterato decencius in hoc loco / collocaui anno gratie mclxix'o mense Maii.' 'Clauditur ... deus', forming an elegiac distich, is quoted by William Thorne, *Chronica de rebus gestis abbatum s. Augustini Cantuariæ*, ed. R. Twysden, *Scriptores X* (London, 1652), col. 1912. Thorne (*ibid.*, cols. 1911-12) says that Abbot Roger in 1262 discovered this two-line epitaph on St. Mildred's sarcophagus and also found 'ad orientem sarcophagum' a leaden plate inside a leaden container: the plate was inscribed with 'Hoc in loculo habetur puluis deo dilectae uirginis Mildredae, ossa uero eius in tumba ipsius clausa saxo durissimo requiescunt.'

12 William of Malmesbury, *De gestis regum Anglorum* 2.215, ed. William Stubbs (RS 90.1; London, 1887), p. 267.

introduces a miraculous account of Mildred as 'euidens argumentum contra Gregorianos corpus beatae uirginis Mildredae fallaciter usurpantes.'¹³ Thomas, whose history ceases with A.D. 1414, brands the opposing view as 'fallaciae siue fictitiae'¹⁴ and says: 'Vnde mirandum est quanto ausu temerario Gregoriani canonici ... mentiuntur.'¹⁵ But John of Tynemouth, a member of St. Albans, in the fourteenth century, takes an impartial stand: '... altercationem inter monachos et canonicos pro corpore sancte Mildrede, nondum tempore nostro sedatam peritioribus discutiendam relinquo, qui quod in utroque loco scriptum repperi, ad futurorum noticiam uenire uolui.'¹⁶

Participating vigorously in the earliest stage of the conflict was Gocelin,¹⁷ a monk residing at St. Augustine's. 'A very learned man and an excellent scholar',¹⁸ Gocelin was a prolific writer of English saints' lives in the second half of the eleventh century. Although he wrote both a *Vita s. Mildrethae* (followed by eight lessons on the saint) and a *Translatio s. Mildrethae*,¹⁹ only his *Libellus con-*

13 Ed. Twysden, *Scriptores*, col. 1911.

14 Thomas of Elmham, *Historia monasterii s. Augustini Cantuariensis* 8.25, ed. Charles Hardwick (RS 8; London, 1858), p. 218.

15 *ibid.* 8.37 (Hardwick, p. 224).

16 *Noua legenda Anglie*, ed. C. Horstman, 2 vols. (London, 1901), 2.197. Preceding the passage quoted above, appears: 'Inueni enim scriptum in cenobio sancti Gregorii Cantuarie, quod anno domini millesimo octuagesimo quinto Lamfrancus archiepiscopus corpora sanctarum uirginum Mildrede et Edburge, in Thaneto insula sepulta, de terra leuauit, et in ecclesia beati Gregorii Cantuarie ... collocauit. Ibi reuera scrinium satis preciosum aduentantibus ostenditur.' These remarks are made in the account of St. Mildred; the treatment of St. Eadburga (ed. Horstman, *ibid.* 1.310) offers nearly identical words, including the statement of inability to judge the opposed views.

17 Gocelin, who came to England c. 1058 from St. Bertin's abbey at St. Omer, wrote, for example, about Sts. Augustine of Canterbury, Honorius, Justus, Edith, Ethelburga, Wulfilda, Hildelitha, Werberga, and Swithin. Much of his hagiographic work is printed in PL 155.1-118. Concerning Gocelin and his writings see: DNB 8.253-54; A. Wilmart, 'Eve et Goscelin', *Revue bénédictine* 46 (1934) 414-38, and 50 (1938) 42-83; R. W. Southern, 'The First Life of Edward the Confessor', *English Historical Review* 58 (1943) 398-99; Levison, *England and the Continent*, pp. 199-200; C. H. Talbot, ed., 'The Liber Confortatorius of Goscelin of Saint Bertin', *Studia anselmiana* 37 (1955) 1-23; Frank Barlow, *The Life of King Edward Who Rests at Westminster, Attributed to a Monk of St. Bertin* (London, 1962), pp. 91-111, and *idem*, *Edward the Confessor* (Berkeley-Los Angeles, 1970), pp. xxvii, 233, 257, 264, 342; Louis Gaillard, 'Goscelin de Saint-Bertin', *Dictionnaire de spiritualité* 6 (1965) 604-605; M. L. Colker, 'Texts of Jocelyn of Canterbury Which Relate to the History of Barking Abbey', *Studia monastica* 7 (1965) 383-92 — for earlier works dealing with Gocelin see Colker's bibliography on 383-84 n. 1; Antonia Gransden, *Historical Writing in England c. 550 to c. 1307* (London, 1974), pp. 64-65, 107-109. Dr. Thomas J. Hamilton, a former student of mine at the University of Virginia, finished a Ph. D. dissertation on the life and writings of Gocelin and is now revising parts of this study for publication.

18 Barlow, *Life of King Edward*, p. 105.

19 Mr. D. W. Rollason, currently completing a doctoral dissertation at the University of Birmingham, England, is dividing with me the editing of Gocelin's texts on St. Mildred. He will edit the still unpublished *Vita* and *Translatio*.

tra inanes s. uirginis Mildrethae usurpatores presses the claim for St. Augustine's. This *Libellus* (printed below) is a hagiographic polemic, full of outrage at St. Gregory's pretensions about St. Mildred.²⁰

The book wars against two hagiographic works which tried to foster the notion that the remains of Miltrudis, a thinly veiled equivalent of St. Mildred, were at St. Gregory's. According to Gocelin (*Libellus*, chap. 12), only the first of the two works reports that Eadburga, daughter of King Aethelbert, was both the grandmother and successor of Miltrudis. Gocelin had quoted verbatim in chap. 3 the source for this information. The words of his quotation may be seen in chap. 14 of an anonymous, hitherto unexplored composition, the *Vita sanctorum Aethelredi et Aethelberti martirum et sanctarum uirginum Miltrudis et Edburgis* (printed below). This *Vita* likewise contains passages that Gocelin quotes *in extenso* from the second antagonistic work.²¹ Apparently, then, the *Vita ... Edburgis* presents a combination of the two hagiographic works which Gocelin opposed.

Gocelin's refutation of the two works must be regarded as extraordinary in the hagiographic area, where skepticism was normally suspended.²² Indeed, he displays persistently in the *Libellus* an analytical, critical, questioning spirit. Particularly striking against its general medieval setting is the bold attitude expressed in the pronouncement that a falsehood remains a falsehood, no matter what authority supports the falsehood and no matter how it is supported (chap. 14): '... uexent [Gregoriani] caelum superstitiosis laudibus, addant pontificem [Gocelin must have been thinking especially of Archbishop Lanfranc] cum sacerdotibus et plebe susceptorem uel comitem: possunt falli potentes et sapientes, non potest autem uersum esse quod falsum est.'

The remarkable *Libellus* must have been composed after Gocelin's *Translatio s. Mildrethae*, to which he refers in chaps. 1, 5, and 9, and after the death of Archbishop Lanfranc on 28 May 1089 (chap. 21). The *Libellus* seems to have been completed also close to a feast of the Translation of St. Mildred to St. Augustine's (chap. 26).²³

For his *Libellus* Gocelin depended largely upon local traditions, but he also consulted a group of notices about English saints and their burial places. The Old

20 Concerning the *Libellus* see Hardy, *Descriptive Catalogue* 1.1.381; Jenkins, 'St. Mary's Minster', 193-94; Levison, *England and the Continent*, p. 199 n. 1; Harmer, *Anglo-Saxon Writs*, p. 194; Gransden, *Historical Writing*, pp. 110-11.

21 Cf. *Libellus*, chap. 11 and *Vita ... Edburgis*, chaps. 20-21.

22 Gocelin himself offers, as proofs, miracles (cf. *Libellus*, chaps. 1, 4, 5, 10, 15, 20, 22, 23, 26) and the outcome of an ordeal by water (*ibid.*, chap. 20).

23 The feast was held on 18 May: see *Libellus*, chap. 17 and 'Translatio Sancte Mildrethe' entered for 18 May in calendars of St. Augustine's abbey (ed. Francis Wormald, *English Benedictine Kalendars after A.D. 1100* 1 (Henry Bradshaw Society 77; London, 1939), p. 55.

English text of these notices is called the *Halgan*; however, Gocelin probably used the Latin translation, sometimes called *De sanctis*, which was made in the eleventh century, before 1085, at St. Augustine's.²⁴ Certainly, too, the *Vita ... Edburgis* often echoes information in the *De sanctis*.²⁵

In turn, it is likely that William Thorne drew upon Gocelin's *Libellus* for his account about Maurus and the opening of the box containing Mildred's remains.²⁶ In introducing this narrative Thorne may be hinting at his source: '... tale contigit miraculum et euident argumentum contra Gregorianos corpus beatae uirginis Mildredae fallaciter usurpantes.'²⁷ On the other hand, John of Tynemouth, in discussing St. Eadburga, provides material corresponding in content and language to the *Vita ... Edburgis*.²⁸ Likewise, John Leland, the sixteenth-century antiquary, summarizes very briefly a *Vita Edburgae uirginis* with details found in our *Vita ... Edburgis*.²⁹

The *Libellus* is preserved in two twelfth-century codices of the British Library: Cotton Vespasian B. xx, on fols. 260r-276r, and Harley 105, on fols. 187r-202r, contain the work as part of a corpus of Gocelin's writings.³⁰ Both codices emanate from St. Augustine's, Canterbury, itself.³¹ The two manuscripts of the *Libellus* have some errors in common (see nn. 16, 71, 81, 169 on the text), but in general the Cotton MS. is more accurate than the Harley MS., which occasionally omits one or more words (see nn. 5, 115, 135, 155, 172, 184, 186, 196 on the text). The *Vita ... Edburgis* appears on fols. 185v-188v in Gotha codex Mmbr. I no. 81 of the fifteenth century. This codex, of unknown

24 The *Halgan* and *De sanctis* are printed by F. Liebermann, *Die Heiligen Englands* (Hannover, 1889). According to Liebermann (p. xiii), the parts of the Old English *Halgan* were united between 1013 and 1030. Concerning the *De sanctis* see *ibid.*, p. xvii. *Libellus*, chap. 4 refers to the *De sanctis* as *Agyographia sanctorum Angliae*: see Barlow, *Life of King Edward*, p. 111 n.

25 See the notes below on the *Vita ... Edburgis*.

26 Ed. Twysden, *Scriptores*, col. 1911. Gocelin tells about Maurus in *Libellus*, chap. 19.

27 Ed. Twysden, *ibid.*, col. 1911.

28 Ed. Horstman, *Noua legenda* 1.308-11.

29 John Leland, *Collectanea* 3 (London, 1774), pp. 165-66. Leland's source even calls Domneva's daughter Milthrudis (like the Miltrudis of our *Vita ... Edburgis*). Already, in 1878, Jenkins, who did not know the Gotha text, remarked (p. 192): 'Fragments of the Gregorian treatises may, I think, be recognised in Leland's confused and corrupted pages.'

30 On the Cotton and Harley codices see *Catalogue of the Manuscripts in the Cottonian Library Deposited in the British Museum* (London, 1802), p. 442 and *Catalogue of the Harleian Manuscripts in the British Museum* 1 (London, 1808), p. 31. The Harley codex was once owned by Simonds D'Ewes: see A. G. Watson, *The Library of Sir Simonds D'Ewes* (London, 1966), pp. 116-17. The Institut de recherche et d'histoire des textes, Paris, is unaware of any other manuscripts of the *Libellus*, as they kindly informed me by letter of 5 April 1972.

31 See N. R. Ker, *Medieval Libraries of Great Britain: A List of Surviving Books*, 2nd ed. (London, 1964), pp. 43, 44.

provenance, contains numerous lives of English saints, such as Cuthbert, Oswald, Alban, Edith, and Ethelburga.³²

In editing the *Libellus* and *Vita ... Edburgis*, I divide the Gotha text into chapters and follow the orthography of the Cotton and Gotha manuscripts. Apart from proper names, purely orthographic variants are normally ignored. I refer to the Cotton MS. as *A*, to the Harleian MS. as *B*, and to the Gotha MS. as *C*. *A*¹ indicates that the first hand in *A* made a change; *A*^c shows that an unidentified hand in *A* effected a change.

I am grateful to the authorities of the British Library and the Forschungsbibliothek at Gotha who sent me excellent photographs from which I worked.

As the *Libellus* and *Vita ... Edburgis* have been neither published nor described, except for some brief remarks about the *Libellus*,³³ I offer below a summary of both works:

Libellus contra inanes s. uirginis Mildrethae usurpatores

(Praef.) I write not to injure anyone but to defend our rights, and after all, whoever is an enemy of the truth, is an enemy of Christ. (1) At the request of Abbot Aelfstan of St. Augustine's, King Cnut granted the transfer of Mildred's body from Thanet to St. Augustine's. But the newly established St. Gregory's has caused a dispute by claiming to have her burial place. This institution has commemorated the saint with superstitious extravagance, in order to lure to itself the uneducated masses, and with the return of Mildred's feast, the false tomb is adorned more than usual. Indeed the deceivers do everything that they can to make their lies convincing.

(2) These usurpers of St. Mildred pretend that Eadburga and Mildred were translated together and now repose together. The truth is that in a church at Lyminge Queen Aethelburga is reported to be buried and that she is commonly confused with some St. Eadburga. No evidence, such as an inscription, reveals who this Eadburga was. Anyway, to strengthen their deception, the fabricators have concocted a new little book, the title of which combines the names of Eadburga and Mildred. The author of the book, working without evidence, does not know what to write about Eadburga (who is unknown to the world!) apart from his compilation of miracles of other saints which he finds applicable

32 For a description of the Gotha codex see F. Jacobs and F. A. Ukert, *Beiträge zur ältern Literatur oder Merkwürdigkeiten der Herzoglichen Öffentlichen Bibliothek zur Gotha* 3.2 (Leipzig, 1843), pp. 271-72. According to M. Frank of the Gotha Library (letter to me of 30 January 1968), 'Über die Provenienz des Codex ist uns leider nichts bekannt.' I did not find the *initium* of the Gotha text at the Institut de recherche et d'histoire des textes, Paris, and G. Philippart of the Société des Bollandistes kindly reported to me (by letter of 6 February 1972): 'Je n'ai rien trouvé de neuf pour le texte *Erat quidam* Apparemment seul le codex de Gotha nous a transmis le texte.'

33 Cf. n. 20 above.

to her. This writer reveals his ignorance in the content of English histories and chronicles when he says that Eadburga, not Aethelburga, was the daughter of King Aethelbert and makes Eadburga both Mildred's ancestor and successor.

(3) The author is certainly unlearned, stealthy, and chronologically wrong. For it is incredible that Eadburga, if born of Aethelbert, could have succeeded Mildred (the falsifiers name her Miltrudis): Eadburga would have been about two hundred years old. That she was ever translated from Thanet to Lyminge is proven nowhere.

(4) At Lyminge lay a body: some called it Aethelburga's, others called it Eadburga's. Another body, of someone absolutely unknown, was found nearby, and the two corpses were brought to St. Gregory's. Only after three years was the second body identified as that of St. Miltrudis. By writing and preaching the effort was made to convince everyone that Eadburga and Miltrudis had fled from Thanet to Lyminge so as to escape the Danish devastation of Thanet. But why should a person flee the enemy at Thanet in order to encounter them at Lyminge?

(5) Miracles can prove that St. Mildred belongs to St. Augustine's. Thus, (8) the saint once slapped, at St. Augustine's, Abbot Wulfic's keeper of keys when he slumbered in the abbot's bedroom, and (9) at another time she boxed a man who fell asleep at her tomb, where he should have been praying.

(10) Furthermore, Bertram, a learned archdeacon, when urged by the deceivers to perpetuate their falsehoods in writing, refused, saying that Mildred was at St. Augustine's. But another man complied. (11) According to him, in 1085, the remains of Miltrudis and Eadburga were brought from Lyminge and placed at St. Gregory's. (12) The name of the crafty author, whoever he may be, is not recorded in his book. This author does not specify where the bodies of Eadburga and Miltrudis originally lay. He calls Miltrudis a granddaughter of Eadburga, but he does not call Eadburga her grandmother, in order not to ruin his deception. The writer falsifies more cautiously and more harmfully than the previous writer who said that Eadburga was the daughter of Aethelbert and the grandmother of Miltrudis but that the grandmother had succeeded her granddaughter. Who, then, was Eadburga, of what people was she, whence did she come, where and when did she die? As for Miltrudis, how did she come to Lyminge, when no one has noticed her presence there? (13) The falsifier seems to want to claim our Mildred for Lyminge, and Eadburga for Thanet.

(14) He speaks of nuns having fled once from Thanet with Eadburga. When was this *once*, before or after Eadburga's remains had been laid to rest? In linking Eadburga with Miltrudis, a fraud has been perpetrated. Indeed there are many Eadburgas in England, and without a pertinent inscription the false claimants do not know which Eadburga they selected. Besides, no Miltrudis or Mildred was ever at Lyminge or is now at St. Gregory's.

(15) The tomb of Mildred, without her body, is still to be seen at Thanet. (16) The name Miltrudis was imposed upon a nameless corpse discovered at Lyminge. (17) The true translation of St. Mildred, to St. Augustine's, occurred in 1030.

(18) After the monks of St. Augustine's heard the lie that Miltrudis' name was found on a stone associated with a corpse, their abbot Wido consulted Ralph of Lyminge, who had raised the two bodies. On oath he asserted that he had not seen an inscription of any kind with these bodies.

(20) Losing confidence in their fictions, the Gregorians decided to explore the truth by the water ordeal. After a three-day period of abstinence, a vat full of water was consecrated by priests. Prayer was made to God that if Mildred was corporally among the Gregorians, the person serving for the test should sink. A boy was tied into a ball, as the ritual required. He entered the vat but could not sink, even though the Gregorians pushed him with their fists. Refuted by the ordeal, supporters of St. Gregory's nonetheless feigned that the trial was held for another reason than on account of St. Mildred. However, I learned about the trial from clergy who were present, and Wido, prior of St. Gregory's, can vouch for the outcome too, if he wishes to profess the truth.

(21) A member of St. Gregory's who promoted, by preaching and writing, the notion that Mildred was buried there, died three months after her feast day. (26) And during yesterday's Feast of the Translation of Mildred from Thanet, in the presence of certain partisans of St. Gregory's, a youth said that rain and fertility were a consequence of Mildred's transfer from Thanet to St. Augustine's, and that if she were at this monastery, she would bring rain now. Indeed it rained, and proponents of the false view agreed that St. Augustine's possessed the remains of St. Mildred.

Vita sanctorum Aethelredi et Aethelberti martirum
et ss. uirginum Miltrudis et Edburgis

(1) Thunor, evil counselor of King Egbert, advised the king to kill the lads Aethelbert and Aethelred so that they might not cause the destruction of his kingdom. (2) The boys were furtively buried under the dining room of the palace and given no funeral rites. (3) A miraculous brilliance shone over the palace where the boys lay. (4) Having become aware of this brilliance, Egbert wondered what to do. (5) So he summoned Ermenburga, also called Domneva, sister of the murdered boys, and admitted the murders to her. To soothe her grief, he gave her eighty acres of land on the Isle of Thanet. (6) There she established a convent, over which she presided. (7) Ermenburga sent her daughter Miltrudis to France for religious education. (8) Miltrudis studied and was devout. (9) After she returned to her country, (10) she was consecrated as a nun by Archbishop Theodore of Canterbury. (11) She succeeded Ermenburga as abbess and (12) was very virtuous. (13) Once, when she was reading, the candlelight went out, but God restored it. At another time an angel in the form of a dove sat on her head. She died on 13 July. (14) Eadburga, daughter of King Aethelbert, became the next abbess. (15) She erected a church, in which she intended to put Miltrudis' remains. (16) After opening her tomb, Eadburga found the body free from putrefaction, (17) for Miltrudis' life had been nearly faultless. (18) The body was placed in the church. (19) Eadburga died on 13 December. (20) Years later, the Danes destroyed the church, in which lay her remains as well as those of Miltrudis. Some nuns who had been on Thanet fled and established a home at Lyminge. (21) In 1085, by order of Archbishop Lanfranc, the bodies of Eadburga and Miltrudis were removed from Lyminge to Canterbury. Bishop Gundulf of Rochester received the remains and entrusted them to St. Gregory's.

<Capitula>¹

Qualiter beata Mildretha, de Taneto ad sanctum Augustinum translata, a nouella parrochia sancti Gregorii ficto nomine Miltrudis usurpata defenditur. i-ii

Qua longeuitate temporis falsa conuincitur scriptura, quae dicit Eadburgem Athelberti, regis primi Christiani, esse filiam et successisse nepti Miltrudi proauiam. Quod fictum constat eo dolo ut credantur de Taneto Limmingam de Limminga in Gregorianam simul translatae parrochiam. iii

Quam certa notitia et fide populus conscius Limmingensem fabulam reppulerit beatamque Mildretham de Taneto ad sanctum Augustinum translata com-
probauerit. iiiii

Quibus miraculis ipsa uirgo populi sententiam firmauerit et se de Taneto ad sanctum Augustinum exportatam significauerit. v

De debili a beato Petro de Westmonasterio in Tanetum ad sanctae Mildrethae tumbam misso et ibi in eiusdem natali curato. vi

Et regina Emma, quia eius translationi fauerat, ipsa uirgine iubente, per uisum misso xenio ad eius tumbam apud sanctum Augustinum, ablatis diuitiis restituta sit. vii

Et sub abbate Wulfrico,² eius festa in Taneto celebrante, ipsius cubicularium dormientem incussa alapa ad uigilias compulerit. viii

Et eodem modo sub abbate Scollando, apud sanctum Augustinum in ipsius uirginis festo dormienti ante suam tumbam seruienti uisa prodire monumento alapam inflixerit longiusque hunc profligauerit. ix

Qua argumentatione aduena Gregorianorum eruditissimus suis eos telis confoderit et beatam Mildretham Augustinensi³ habitationi inditissimam populo teste et tot signis comprobauerit. x

Exemplar fallacis scripturae in beatam Mildretham. xi et x

Aries disputationis in subuersionem huius structurae fictilis. xiii et

De monumento sanctae Mildrethae in Taneto, quae Tanetus sibi in uita et post caeli aditum est possessiua. xv

Quod ignoto corpori diu sine nomine habito tandem Miltrudis est nomen iniec-
tum. xvi

1 MSS. *A* and *B* originally agreed in the chapter numbering of entries i-x in the table. Then a later hand in *A* changed certain numerals: *v* to *v et vi*; *vi-ix* to *vii-x*; and *x* to *xi et xii et xiii*. This hand inserted *et xiiii* and the subsequent numerals through *et xxiiii*. MS. *B* has *x* in place of *xi et xii et xiii* and offers *xi-xix* instead of *xiiii-xxii* and finally *xx* instead of *xxiii et xxiiii*. The text proper of the *Libellus* contains twenty-six chapters as numbered by both manuscripts: perhaps the final two chapters had not been part of the author's original plan.

2 Wlfrico *B*.

3 Augustiniensi *B*.

- De uera translatione eius a Taneto ad sanctum Augustinum. xvii
- Testimonium probabile quod nullum indicium inuentum sit cum ignoto corpore quam quia postea ridicule fingeretur inuentum fuisse in lapide. xviii
- Quod ante Limmingensia⁴ busta allata, sero apparens cuidam fratri, promiserit se in crastinum uidendam, significans plane, quod contigit, sua pignora conspicienda. Et de difficultate aperiendi per orationem uicta et de panno inuento nitidissimo, quod omnes stupefecit, et quomodo uere ibi in sacris artubus uisa sit et recondita. xviii
- Quomodo clerici, temptantes diuino iudicio uerum uidere quod falsum de beata Mildrethae praesentia nouerant, iudiciali puero non ualente mergi nil ipsius uirginis habere se inuenerint. xx
- Quomodo huius dissidii fautor apud sanctum Augustinum satisfecerit et rursus nocuerit, et beata Mildretha cuidam uelut inflammata apparens de suo falsatore conquesta et comminata sit. xxi
- Quales quaerimonias parrochiani inter se conferant quod nesciant quid sacrorum habeant et temere uenerentur quod nesciant⁵ dum beatam Mildretham se prorsus non habere sciant. xxii
- Quomodo beata Mildretha in sacra nocte suae festiuitatis aperto caelo uisa sit inter choros supernarum uirtutum descendere in Augustinianum templum suumque ibi subintrare mausoleum ut his caelestibus armis excidatur belua multorum capitum. xxiii et xxiv

LIBELLUS CONTRA INANES SANCTAE VIRGINIS MILDRETHAE USURPATORES

Scribimus non studio quemquam ledendi sed iura nostra defendendi et uaniloquos obstruendi. Non pro animo tuo, non pro amico uel propinquo, non pro oculo uel aliquo membrorum tuorum Christum 'Ego sum ueritas'⁶ dicentem perdas ne totus pereas. 'Qui' inquit 'non est mecum aduersum me est,'⁷ id est aduersarius ueritatis aduersarius meus est, et 'Qui amat amicum aut propinquum plus quam me non est me dignus.'⁸ Hic pignus uere matri aequi Salomonis ense comprobatur.⁹

4 Limmigensia *B*.

5 et temere ... nesciant *om. B*.

6 Io 14:6.

7 Mc 9:39, Lc 9:50.

8 Mt 10:37.

9 3 Reg 16:28; cf. *Libellus*, chaps. 12 and 20. Gocelin regarded the dispute as similar to the famous quarrel between two women which Solomon judged.

Iam itaque sidereae Mildrethae translationem omni Angliae celeberrimam, rege Cnutone cum hereditate ipsius concedente et Augustinensi abbate Aelfstano¹¹ instante, de Taneto in Augustinianum habitaculum perfectam descripsimus, atque euidetissimis hinc inde signis ac reuelationibus expositis certam omnium notitiam comprobauimus.¹² Interea de noua et nuper orta beati Gregorii parrochia, quam archiepiscopus Lanfrancus in xenodochio suo aedificauerat, noua surrexit controuersia ut illuc potius fuisse translata ipsa infamaretur Mildretha.¹³ Decreuimus tunc illam fallacie hydram splendido ueritatis mucrone ferire; uerum ipsa uirgine ubi ueraciter esset crebris signis ac reuelationibus propalante et Augustinensi abbate Scollando¹⁴ ad archiepiscopum Lanfrancum reclamante, tota haec superstitio et solennitatum insolentia, quibus hi pusillis uiribus iactanticuli rude uulgus attrahere sibi contendebant, pontificali auctoritate interdicta subsedit. Iussa est ibi deinceps uirginalis festiuitas¹⁵ agi modeste, uidelicet ut in aliis ecclesiis non arrogantibus hanc proterue sed uenerantibus deuote. Iccirco tunc tacuimus quatinus sopitus ignis quiete extingueretur et suppressa nugacitas perpetuo silentio deleretur. Sed ecce quietum incendium conualuit et neglectum silentium acrius erupit. Ecce ingruente festo uirginis, dum Gregoriana basilica contra Augustinianam Mildretham obstinate uestitur, dum sub eius nomine tumba supereminens altari solennius exornatur, dum omnia quasi propriis sanctis ibi degentibus excellentissime solennizantur, id nimirum fabricatores mendacii moliantur ut quod de habita sibi Mildretha confinxerunt,¹⁶ pro uero credatur, quodque reuerberante¹⁷ iustitia uerbis minus audent, factis affirmant, et ambiguam plebiculam in uarium murmur dissicent.¹⁸ Ipsam uero acrius offendunt uirginem festis usurpationis indignantem et de electo habitaculo suo signorum uoce cum domino reclamantem: 'Festa uestra odiuit anima mea. Facta sunt mihi

10 i om. A.

11 Cnut ruled England 1016-1035. Aelfstan was abbot of St. Augustine's, Canterbury, 1023-1045/6: see David Knowles, C. N. L. Brooks, V. C. M. London, *The Heads of Religious Houses: England and Wales 940-1216* (Cambridge, 1972), p. 35.

12 See D. W. Rollason's forthcoming edition of Gocelin's *Translatio s. Mildrethae*.

13 Lanfranc was archbishop of Canterbury 1070-1089. See Lanfranc's foundation charter (c. 1086) for St. Gregory's, ed. Woodcock, *Cartulary*, pp. 1-3.

14 Scolland was abbot of St. Augustine's, Canterbury, 1070-1087: see Knowles, Brooke, and London, *Heads of Religious Houses*, p. 36.

15 The feast day of St. Mildred is 13 July. For the position of the feast in calendars of St. Augustine's see Francis Wormald, *English Kalendars before A.D. 1100* I (Henry Bradshaw Society 72; London, 1934), p. 64, and idem, *English Benedictine Kalendars* 1.57.

16 confixerunt AB.

17 uerberante B.

18 dissecant A (first e perh. corr. by another hand).

molesta. Laboraui sustinens. Fallimini strepitu laudum. Non sum hic uobiscum. Deponite illud scrinium tanquam mendacii simulacrum quo me infamastis, ubi me iacere fallitis. Et apud Augustinum meum me uere esse omnibus ueraciter praedicare. Ita demum uti cum ueritatis testibus et fratribus adero uestris solennitatibus.' Sed quia pertinax duritia hoc non admittit, compellimur longum silentium rumpere, qui malleus nulli turbae obnoxii esse. Et prius quidem aliquantisper exponendum est hoc deforme commentum ut palam intreat potius quam clam interimat. Deinde fictilis structura tam facili ictu quam fragili positu concidat. Faueant filii aequitatis; faueat aecclesia fidelis, quae fidelibus consistit in filiis. Nec quisquam indignetur ueritati ne qui indignatur, se prodat et damnet mendacii.

ii

Igitur in aecclesia Lyminge,¹⁹ quae est episcopii, regina Aethelburga²⁰ celebratur sepulta, sed uulgo ibi nominabatur quaedam sancta Eadburga.²¹ At uero quae uel cuius condicionis fuerit, quo tempore gente loco domo, quibus maioribus edita sit, quo ordine uixerit, utrum ibi fuerit, unde uel qualiter illuc aduenerit, nullum certum indicium existit, nullus titulus uel nomen competenter edisserit. De qua tam taciti quam ignari maneremus nisi nostram illi Mildretham usurpatores tanquam rapinam, quam deus odio habet, in holocausto adiungerent et quasi simul in sua translata simul attollerent, simul adiacentes sibi fallerent, simul etiam uno titulo et textu nouelli libelli²² ad roboranda figmenta sua componerent. Nescit adeo recens scriptor, omni probamento desertus, quid de eius uita terris ignota astruat, nisi quod illi communes aliorum sanctorum uirtutes aggerat. De eius autem natalibus et magnam in hystoriis cronicisque Anglicis ignorantiam et omni Angliae efflandam uelut araneae telam ostentat fabulam. Asserit illam pro Aethelburga somnians Eadburgem²³ Aethelberhti, primi Anglorum regum Christiani, ac Berhtae reginae filiam, beatam uero Mildrethae et succetricem et proauiam.²⁴ Scimus enim ex hystoriis uel cronicis Aethelburgam non Eadburgam²⁵ Aethelberhti regis et Berhtae reginae filiam nuncupatam et ip-

19 Lyminge in Kent.

20 Cf. *De sanctis* 1.4-5 (Liebermann, p. 2). Aethelburga married Edwin, king of Northumbria, in 625.

21 About Eadburga, abbess of Thanet, who died in 751, see BHL, no. 2384; DNB 6. 305-306; J. Stéphan in *Bibliotheca sanctorum* 4 (Rome, 1964), col. 902; Sawyer, *Anglo-Saxon Charters*, no. 91. There seems to have been a popular confusion between Eadburga and Aethelburga.

22 Cf. *Vita ... Edburgis* printed below.

23 Aeadburgem *B*.

24 See *Vita ... Edburgis*, chap. 14.

25 Aeadburgam *B*.

sam, regi Northanimbrorum Eaduuino regi in coniugem datam, post necem autem regis reuersam et Limminge conuersatam, sacro uelamine a beato Honorio archiepiscopo consecratam, defunctam, atque ibi sepultam sub die iduum Decembrium.²⁶ Quam ex antiquitatis et primeuitatis sententia colligimus, post regis Eduuini²⁷ necem, fauente germano suo rege Eadbald²⁸ primitus Limmingis templum instituisse ac extulisse primumque nomen et locum eminentiusque monumentum²⁹ ut est illud in aquilonali porticu ad australem parietem aeccliesiae arcu inuolutum meruisse.

iii

Sed ipsa proferantur quae in suprascripto libello³⁰ legimus uerba tam indocte quam furtiue inserta et plane temporum ac rerum rationi refragantia: 'Post beatam' inquit 'Miltrudis consummationem beata uirgo Eadburgis orbatam matre familiam causa regiminis subintrauit.' Statimque subsequitur: 'Fuit namque uirgo uenerabilis Eadburgis beatae Miltrudis proauia, filia quidem Aethelberhti, primi regis catholicae legis atque regis Anglicae gentis. Aethelberhtus quoque Anglorum uocabulo interpretatur nobile lumen; Berhta uero, sanctae uirginis genitrix, clara interpretatur uel serena³¹.' Et post pauca per amphibolam: 'Nil ergo nobile lumen a clara luce nec clara lux a nobili³² lumine distat ut ex talibus parentibus uirgo ueneranda ad profectum multorum ederetur in mundo³³.' Quid his neniis immoramur? Ducenti fere anni computantur ab ipso primo Aethelberto³⁴ rege usque ad Eadburgam, beatae Mildrethae succestricem, quam Miltrudem alienatores abominant. Cum itaque clareat omnibus tam falsum esse quam mortali compendio incredibile ut illa Eadburga de tam antiquo rege sit progenita, quae quasi ducentorum annorum longeva Miltrudi nepti successerit proauia, eamus ad reliqua. Constructores suos haec obruit machina. Constat autem, sicut ratio et ordo gestorum ac fidelis scriptura depromit, illa Eadburga quae beatae Mildrethae successit quod ipsius tam sanctae matris instituta ut

26 Aethelburgam ... Decembrium: cf. *De sanctis* 1.2-5 (Liebermann, p. 2). Aethelbert, king of Kent 560-616, was converted to Christianity by Augustine of Canterbury in 597; Bertha, wife of Aethelbert, died about 616. Edwin was king of Northumbria 616-632. See n. 20 above. Honorius was archbishop of Canterbury 627-653. The ides of December fall on the 13th of the month.

27 Eaduuini *B*. Edwin died in 632.

28 Eadbald was king of Kent 616-640.

29 Cf. *De sanctis* 1.5 (Liebermann, p. 2).

30 See n. 22 above.

31 See *Vita* ... *Edburgis*, chap. 14.

32 nobile *AB* (corr. *perh. A*¹).

33 See *Vita* ... *Edburgis*, chap. 14.

34 Aethelberhto *B* (*second h eras.*). Aethelbert ruled 560-616.

deuota discipula ac filia seruauerit ac propagauerit. Quam unquam de Taneto Limminge translata, sicut nusquam probari potest, nullatenus concedimus beatam uero Mildretham. Quisquis aliunde quam de Taneto et aliorum unquam quam ad sanctum Augustinum translata iactitauerit, omnimodis refellimus. Videant itaque quae sit haec Eadburgis qui hanc uendicant, cum hanc fuisse praememorati regis Aethelberti filiam repugnantibus temporibus et fallentibus suis scriptoribus nullatenus probare queant. Quaerant, inquam, quos fallunt propria scripta, quae et unde sit ista. Ipsa quoque signa, scriptore temporibus locis personis uocabulis ignota, quae sub hoc nomine recitantur, uideant cui Eadburgi attribuantur. Siue ergo Eadburga pro Aethelburga uulgaris errore uocetur, sicut a Getulis Mauri pro Medis appellabantur,³⁵ siue uera Eadburga inueniatur, bene sua iura seruent et ualeant, dummodo tam diuinis quam humanis testimoniis conuicti, nostram nobis Mildretham intemerate relinquunt.

iiii

Sed ut superius cepta contra duras aures prosequamur, in aecclesia praefatae Limminge sepultum corpus, quod siue dicant alii Aethelburge alii Eadburgae, nos autem diuinae dimittimus notitiae quod dicunt sanctae Eadburgae. Nos autem dicimus quod dominus nouit cum ad beati Gregorii aecclesiam exportandum effoderetur. Aliud corpus funditus ignotum omnique prorsus indicio uacuum coram adiacens inuenitur, quod pariter excipientes translatore pariter ad Gregorianam basilicam efferunt et super altare a dextris et a sinistris extollunt. Quid multa? Cum diu fere triennio ignotae glebae nomen latitaret, tandem paulatim emersit. Mox palam effluxit quod Miltrudis esset. Sic fama, parua metu primo, mox caput inter nubila condit.³⁶ Certatum est publicis predicationibus ac demum scriptis ut omnes crederent ipsas quas dicunt Eadburgem ac Miltrudem, olim uasantibus Tanetum paganis,³⁷ inde ad Limmingam³⁸ transfugio portatas et modo de Limminga³⁹ ad Gregorianam aecclesiam translatas. Quod ubi in aures populi decidit, magno stupore attoniti riserunt cum indignatione tam uanam et inauditam fabulam, qui aut uisu aut auditu, immo uirtutum experimento, iam olim scirent apud sanctum Augustinum degere beatam Mildretham. Adhuc aiebant: 'Plures

35 Cf. Isidore, *Etymol.* 9.2.122: 'nomen paulatim Libyes corrumpere, barbara lingua Mauros propter Medos appellantes.'

36 fama ... condit: Verg. *A.* 4.176-77. condit: pandit *B.*

37 Thanet was raided by the Danes in the late eighth century and repeatedly thereafter. Cf. Thomas of Elmham, *Historia* 8.27 (ed. Hardwick, p. 220): 'ferme ad spatium trecentorum annorum uix audebat aliquis ob infestationem Danorum in eadem insula permanere.'

38 Limmingaem *B.*

39 Limmingae *B.*

uiuimus, quorum alii interfuimus et uidimus, alii ab his qui intererant inficiabiliter audiuius qualiter Aelfstanus abbas,⁴⁰ quanquam hanc a rege Kenuto⁴¹ optinuerit, clam tamen ob seditionem populi de Taneto abstulerit,⁴² sed mox omni Angliae suo Augustino allatam innotuerit. Ipsa tumba, durior aere et calibe tunc inuenta, ostendit cuius esset haec uirginalis gleba, dum nullo solui posset ferramento donec idem abbas polliceretur eius festiuitatem praecipuo celebrandam officio.⁴³ Nos etiam lanceas uibratas in ipsum abbatem, dum hanc abduceret, uidimus,⁴⁴ et nisi deus et sacra uirgo ac celerior fuga illum eripuisset, immane nephas exacerbata plebe patrata fuisset.⁴⁵ Alii quoque quibus notior erat Anglicarum scripturarum indago ac temporum ratio, stimulati notae ueritatis iniuria, proclamabant: 'O duritiam, O uesaniam humanam! Quanam immanitate audent homines deo, omnium inspectori et iudici, sanctisque angelis eius testibus mentiri ut contra totius Angliae atque etiam transmarinorum notissima testimonia, contra tot miraculorum clarissima preconia! Quod oculis, quod manibus, quod scriptis probatissimum est, certant suffocare ut ubi deo placuit ipsique sacrae uirgini eam esse refutent, et non ubi uere est sed quo⁴⁶ ipsi falsatores uolunt hanc esse delirent. Sane in Agyographia sanctorum Angliae, ubi singuli singulis habitationibus suis describuntur,⁴⁷ memorantissima Mildretha apud sanctum Augustinum inter ceteros sanctos ac nominantissimos patres,⁴⁸ longe ante Gregorianam aecclesiam⁴⁹ et ante ipsius hesterne translotos, requieuisse ac requiescere ueris scriptis affirmatur, idque omnibus aecclesiis, sicut dinoscitur, sic attitatur. Soli illi haec scripta dissimulant qui negare malunt. Soli nesciunt qui scire oderunt, qui ueris sua figmenta praeponunt. Quis autem ferat de Limminga⁵⁰ eam translata fuisse, ubi numquam ante auditum uel lectum est ipsam uenisse? Et quomodo de Taneto hostilem manum fugientes in hostiles fauces ad Limmingam confugerent,⁵¹ ut uidelicet in Limminga patulis rictibus citius deuoraren-

40 See n. 11 above.

41 Cf. my introduction, notes 4 and 9, and also *Translatio s. Mildrethae*, chaps. 6-12.

42 Cf. *ibid.*, chaps. 12-15.

43 Cf. *ibid.*, chap. 13.

44 Cf. *ibid.*, chap. 15.

45 Cf. *ibid.*

46 quod *B*.

47 Gocelin is evidently referring to the *De sanctis* (see my introduction, n. 24).

48 *De sanctis* 1.17 (Liebermann, p. 6): 'sacratissimi corporis pignera ad decentiorem sunt locum translata, ad monasterium scilicet apostolorum principis Petri, in quo beatissimus apostolus Anglorum Augustinus simul cum caeteris sanctis archipresulibus sibi succedentibus requiescit.'

49 St. Gregory's, Canterbury, was founded about 1084. Mildred's body was supposed to have been translated to St. Augustine's in 1030: see *Libellus*, chap. 17, and cf. notes 121-122 below on the chronological difficulties.

50 Limmingae *B*.

51 Cf. *Vita ... Edburgis*, chap. 20.

tur quam in Taneto caperentur? Nimirum hoc esset de lupo leonis patrociniū appetere. Et quid longa ambage in tam clara luce ueritatis tardamus, cum et ipsa uirgo, unde uenerit et ubi perpete maneat, tantis signorum choruscationibus asserat?’

v⁵²

Talem itaque populi seniorumque eruditorumque assertionem praeclarissima Mildretha splendidis indiciis confirmabat suumque de certo aduentu certum habitaculum manifestabat. Videres eam ipsis signis pro uerbis rebelles suos retundere ac dicere se nequaquam de illorum Limminga ad ipsorum aecclesiam sed de sua Taneto ad suum Augustinum uenisse. De tot autem tamque praeclaris miraculorum indiciis, quae in eius certissimae translationis libro copiose exposuimus,⁵³ hic aliquod quod tunc illam fantasiam exortam⁵⁴ effulminabat in argumentum fidei succincte recolamus.

vi⁵⁵

Apud Westmonasterium aduena, media parte corporis praemortuus, calcaneo in terga affixo, manu⁵⁶ pugili digitis palmae insertis, miseranter contractus sacram noctem natalis apostolorum Petri et Pauli uigiliis agebat in ipsa dominici clauigeri aecclesia. Huic apostolus, inter uigilias aut somnolentiam in ueste candida uisus, ‘Propera’ ait ‘in Tanetum insulam ad beatae Mildrethae aecclesiam et tumbam. Ipsi credita est curatio tua, ab ipsa postula.’ Debilis ergo, quod fortis conficeret una die, uix xiiii⁵⁷ cim diebus exegit ut egrum reptile, et in xv^{ma} ab apostolico natalicio die illabitur festiuitati uirgineae.⁵⁷ Igitur debilis, cum in sacrario uirginis pernoctaret et populus iam ad missarum solennia ingrueret, nitens egredi ne suffocaretur, repulsus est ad priora refugia ut curaretur et populus hereditarii ac possessorii loci translatae dominae ammoneretur. Cum ergo ‘Gloria in excelsis deo’ intonatur, eger curandus terrae praecipitatur. Ad epistolam a tortura sua relaxatur; ad euangelium sanus erigitur. Eodem quoque loco et eadem hora mulier apparente sibi alma Mildretha a caduco morbo liberatur. Populus laudisono clamore resultans proclamat: ‘Bene, O naturalis domina nostra, bene declaras

52 /// v B (iiii *eras.*).

53 See n. 12 above.

54 fantasiam exortam: *twice B.*

55 vi: /// vi B (iii? *eras.*). The content of chap. 6 corresponds to *Translatio s. Mildrethae*, chaps. 24-25.

56 manu // B (nu? *eras.*).

57 See n. 15 above.

unde migraueris ad Augustiniana habitacula. Vbi sunt qui te de Limingis⁵⁸ translata sibi garriunt?' Addebantque lingua sua: 'Obstruatur os loquentium iniqua et muta fiant labia dolosa quae locuntur aduersus iustitiam iniquitatem⁵⁹ et mendaciis expugnant ueritatem.' Huiusmodi dictis aggaudens populus uaniloquis resultabat quotiens uirgo domini suos simulatores uirtutum fulmine reuerberabat.

vii⁶⁰

Sunt et aliqua a superiori tempore recapitulanda. Reginae Emmae,⁶¹ a summa opulentia sua deiectae, consolatrix Mildretha apparens splendide 'Illa sum' inquit 'quam rex tuus et tu transferri fecisti de Taneto ad sanctum Augustinum, ob quam gratiam pristinae dignitati tuae restitueris. Tantummodo mitte xenium ad Augustinense domicilium ad beatae Mildrethae tumulum ut eius merearis suffragium per orationes fratrum.' Misit ergo mutuatos solidos xx, statimque restituta est omni suo nitori.

viii⁶²

Abbas Wulfricus,⁶³ successor Aelfstani, almae Mildrethae translatoris, amore domesticae dominae ipsius natalicium⁶⁴ in Taneto assumptis aliquot fratribus agere gaudebat. Cum ergo nocturnalibus ibi solennia celebraret, clauiger^{64a} eius in cubiculo dormiebat. Astat caelica uirgo et somnolentum increpat. 'Multo tibi' inquit 'esset salubrius ut cum ceteris nunc interesses diuinis excubiis.' Talibusque dictis animosa insistens,⁶⁵ acrem illi in faciem urenti palma alapam incussit. Ille ab ictu ut amens exiliens, cursim quasi persecutorem⁶⁶ fugiens, in oratorium fertur, perque chorum medium psallentium raptus, ad uirginis tumbam prosternitur; ibique prolixa oratione magna omnium huius nouitatis ammiratione tenetur.

58 Limmingis *B*.

59 Pss 62:12 and 30:19. Cf. at n. 166 below.

60 vii: *over erasure in B*. The content of chap. 7 corresponds to *Translatio s. Mildrethae*, chap. 18. See Barlow, 'Two Notes', 651-655 and *Edward the Confessor*, pp. 57-58, 77.

61 Emma married Cnut in 1017; she died in 1052.

62 viii: *perh. over erasure in B*. The content of chap. 8 corresponds to *Translatio s. Mildrethae*, chap. 19.

63 Wulfricus *B*. Wulfric was abbot of St. Augustine's, Canterbury, 1045-1061: see Knowles, Brooke, and London, *Heads of Religious Houses*, p. 35.

64 See n. 15 above.

64a According to *Translatio s. Mildrethae*, chap. 19, this man was Brihtric, a 'dispensator ipsius seculi'.

65 exists *B*.

66 insecutorem *B*.

viii⁶⁷

Sub abbate quoque Scollando,⁶⁸ post plurima anniuersaria recurrente eiusdem natalicii⁶⁹ sollemnitate, simillimam apud summum Augustinum euidenciam suae dedit praesentiae quatinus hic doceret ubi esset, sicut supra docuerat unde aduenisset. Sonatis namque signis eiusdem festiuae noctis, unus ex ministris,^{69a} orato sancto Augustino, ad altare et tumulum praeclarae Mildrethae diuertit, ibique obdormiscens uirginem sideream in sanctimoniali habitu praefulgidam, ab ipsa tumba quasi de thalamo egredientem, sibiue animose imminentem conspiciit. Quae intenta palma dormitori suo non remissioem superius memorata⁷⁰ alapam infligit ac si ei torrida excitatrix uerbere pro uerbis diceret quod hic orandi non dormitandi locus esset. Ad talem suae incudis⁷¹ malleum iuuenis a somno exiliit, quodque eminentius obstupescas, mox ipsam uirginem ita apertis et uigilantibus oculis in tumbam suam regredientem spectat sicut antea dormientibus et clausis optutibus prodeuntem uiderat. Quem hinc subito tantus terror expulit ut quasi uerberum ac telorum plagis ageretur, per medium chorom psallentium equino cursu profugeret. Vtque superior perfuga ad Tanatense⁷² uirginis monumentum fugere compulsus est, ita iste ab Augustinensi eiusdem uirginis tumba fugaciter repulsus est, qui sciscitantibus miratoribus numquam se talem percussuram tulisse respondit. Haec et alia perplura beatae Mildrethae certissimae translationis et requietionis indicia, qui non abnuerit, in translatiuo ipsius codicello uberius doceri poterit.⁷³

x⁷⁴

Verum inter haec signorum fulgura fallaces reuerberantia aderat aduena eruditissimus et probus nomine Bertrannus, in sua patria ut ferebatur archidiaconus. Hunc quidam uanae assertionis susurratores ut sua figmenta litteris perpetuet multis precibus fatigant. Ille masculo uigore animi, non arundine uento agitata, subnixus procul repulit et excussit stolidia figmenta. 'An ad hoc' inquit 'huc ueni ut etiam scriptis affirmem uestra deliramenta et me uelut ducem anticipent uestra quae mendacibus debentur tormenta? Nam cum diuina deo dicat

67 / ix *B* (v *eras.*). The content of chap. 9 corresponds to *Translatio s. Mildrethae*, chap. 20.

68 See n. 14 above.

69 See n. 15 above.

69a According to *Translatio s. Mildrethae*, chap. 20, this man was Hunfred, a porter at St. Augustine's.

70 memorata (*perh.* - over second a *eras.*) *A*.

71 suae incudis: suam ei cudis *AB*.

72 Tanatensem *B*.

73 See n. 12 above.

74 x: x /// *B* (vii? *eras.*).

scriptura "Perdes omnes qui locuntur mendacium,"^{74a} scriptura uero perennior sit quam eloquium, quid me ante uos impingitis in perditionem⁷⁵ mendacium ut tanquam plantator et propagator erroris, quod uos peccatis uerbis fallendo ego perniciosius luam scriptis perpetuando? Ecce quod uniuersa Anglia de translata iam olim uirgine luce clarius nouit et asserit, quod fama longe trans maria uulgauit, quod ipsa tam crebris signis et reuelationibus ubi habeatur exclarat, uos tam late effusum splendorem obnubilare contenditis, et tanquam de uentoso puteo tetram caliginem exhalatis ut contra diuinum et humanum testimonium, contra beati Augustini sacrarium in quo uere quiescit, contra hoc etiam quod Tanetensis hereditas sua cum ipsa ad sanctum Augustinum transiuit, hanc uos habere prorsus fallatis. Qua impudentia, qua uesania in conspectu solis et oculorum omnium a ueritatis luce obtenebrescitis? Quo euadetis si supernis assertionibus rebellatis et dei magnalia expugnatis? Vosne uentosa iactantia arcem Nembroht⁷⁶ ad sidera erigetis aut iuxta poeticas fabulas gygantea audacia superiectis montibus caelum inuadetis?⁷⁷ Quid est enim contra diuina ostenta niti nisi gygantum arrogantiam imitari? Absit ut me uanitatis architectum concilietis. Si qua uera scribenda proponitis, ibi demum deuotum me ministrum non alias habebitis. Talibus solidi uiri responsis confusi, petitores discessere. Verum illo ingenue resistente, ultro processit alius nullo poscente, qui scriptor praedicator et signifer esset fallaciae, sicut in passione iiii^{or} Coronatorum, detestantibus Christianis artificibus simulacra gentium quibus similes fiunt factores eorum, inuentus est qui fingeret deum Asclepium. Huius figmenti summa succincte reuoluatur et confodiatur ne posterius rudes nullo redimente corrumpantur.⁷⁸

xi⁷⁹

'Elapsis' inquit scriptor 'aliquibus annis, postquam beata uirgo Eadburgis e seculo migrauit, peccatis hominum facientibus destructum est templum in quo

^{74a} Ps 5:7.

⁷⁵ perditionis *B*.

⁷⁶ Nembroth *B*. Cf. Gen 10:8-9.

⁷⁷ Cf. Ovid *Met.* 1.152-55.

⁷⁸ corruptantur *B*. About the four *coronati*, Claudius, Castorius, Symphorianus, Nicostratus, see A. Amore in *Bibliotheca sanctorum* 10 (Rome, 1968), cols. 1276-86 and BHL, nos. 1836-39. The four saints, unlike their colleagues, refused to sculpt a statue of Aesculapius for the Emperor Diocletian: see the *Passio IV Coronatorum*, ed. M. Büdinger, *Untersuchungen zu römischen Kaiser Geschichte* 3 (Leipzig, 1870), pp. 331-34.

⁷⁹ xi: *over erasure in B*. Chap. 11 quotes extensively statements that can be read in *Vita ... Eadburgis*, chaps. 20 and 21. But Gocelin's ending of the final quotation in his chap. 11 differs slightly from what is found in *Vita ... Eadburgis* at the end of chap. 21. Cf. also the *Noua legenda Anglie*, about Mildred (ed. Horstman, 2.197), '... cum magno honore transferens collocauit' and about Eadburga (ibid. 1.310), '... ad pauperum solamen constructam ditauerat, collocata.'

reconditae fuerant reliquiae uel suae uel neptis illius Miltrudis. Ex quo contigit ut nullae sanctimonialium feminarum, quae olim cum beata Eadburga de insula Tanetos propter hostilem seuitiam aufugerant et sedem sibi in Limingis⁸⁰ statuerant, ibidem remanerent, sed sicut inde ita hinc quoque omnes, siue solae siue turmatim, quocunque eas casus rapiebat, deuolarent. Sic ille locus destitutus est quousque in manus archiepiscoporum Cantuariæ uenit, quem reparatum ministris sacerdotibus dignantur⁸¹ quatinus deo ac dilectis sibi uirginibus Eadburgae⁸² ac Miltrudi iugi deuotione seruiretur.' Et quid plura? 'Anno' inquit 'domini millesimo octogesimo quinto, praesidente Lanfranco archiepiscopo Dorobernensi aecclesiae, eleuatae sunt reliquiae beatarum uirginum Miltrudis atque Eadburgis ac de loco Liminge⁸³ uocato, ubi diu conditae fuerant, Cantuariam translatae et in aecclesia beati Gregorii, quam Lanfrancus paulo ante ad pauperum solamen construxerat, sunt collocatae.'

xii⁸⁴

Animaduertite, quaeso, prudentes inspectores, quam subdole haec clandestina et adultera conficta sit fabula ut uidelicet beata Mildretha, cui tota haec insidiatur decipula, non de Taneto ad sanctum Augustinum sed de Limminga ad Gregorianum xenodochium credatur translata. Ipse quoque scriptor nescio quis sine nomine et titulo se ipsum furatur ut capiat nec capiatur.⁸⁵ Memorat desertum templum et tacet locum templi in quo reconditae fuissent uel Eadburgis uel neptis suae Miltrudis reliquiae. Vocat neptem Miltrudem nec dicit auiam Eadburgem ne palam fallens suam subuertat falsitatem. Ipsam quoque Eadburgem, quae uel unde quibus parentibus extiterit, sicut nulla prorsus ratione probare nouit, ita neptem sonans et uelut iaculo furtim emisso fugitans, cetera silentio transilit. Cautius nimirum eoque nocentius hic mentitur quam prior scriptor qui dixit Eadburgam pro Aethelburga primi⁸⁶ Anglorum regis Christiani filiam et Miltrudis auiam fuisse ipsamque auiam Miltrudi nepti successisse.^{86a} Quae fabula, centenorum annorum interuallo longe a ueritate dissona, satis supra exposuimus quam sit omni Angliae ridenda. Hanc iste intelligens tegnam omnibus patere musitat et silet

80 Limmingis *B*.

81 dignanter *AB*.

82 Eadburgi *B*.

83 Limminge *B*.

84 xii: *over erasure in B*.

85 capitur *B*.

86 prim *B* (*corr. B^c*).

86a See *Vita ... Eadburgis*, chap. 14 and Gocelin's comments in his chap. 3. The *Vita ... Eadburgis* (chap. 14) calls Eadburga the *proauia*, not *auia*, of Miltrudis.

quod non audet publicare. Incipit effari mediaque in uoce resistit⁸⁷ et inexpressum uerbum praeteriens auditorem eludit ut quod auditur non tam intelligatur uel inquiratur quam credatur. Dicens enim beatam Eadburgem et neptem Miltrudem templumque in quo reconditae fuerant reliquiae ipsarum garrit, non indicat quid dicat. Quae ergo erat haec Eadburgis? Cuius gentis? Vnde uenit?⁸⁸ Vbi uel sub quo regum seculo e seculo migravit? Et templum in quo recondita cum nepte scribitur, ubinam gentium uel in quibus terrae finibus fuerit, quare tacetur? Eadburgis ergo sine progenie, nomen sine cognitione, neptis sine proauis, obiens sine aetate, templum sine loco, haec adeo omnia ad hoc insimulantur uel dissimulantur quatinus beata Mildretha non de sua, ut dictum est, Taneto ad suum Augustinum sed de Liminga⁸⁹ ad Gregorianam parrochiam translata credatur. Verumptamen ne inuide tacuisse Tanetum calumnietur, maluit in fuga Eadburgis ad Limingam,⁹⁰ ad quam minus pertinebat Tanetus, Tanetum nominare quam in ipsa beatae Mildrethae patrimoniali et hereditaria habitatione. Referens quippe incognoscibiliter memoratum templum destructum, ita subiunxit: 'Ex quo contigit ut nullae sanctimonialium feminarum, quae olim cum beata Eadburge de insula Tanetos aufugerant et sedem sibi in Limingis⁹¹ statuerant, ibidem remanerent.'⁹² Hic demum Tanetum insulam nominat, non quod supradictum templum⁹³ in ea fuisse asserat sed quod inde Eadburgem praenotatam Limingas cum sanctimonialibus⁹⁴ profugisse credi suadeat. Bene autem quod Mildretha nostra, nominata sua Taneto, hic prorsus tacetur quasi ibi nesciatur nichilque eius ibi habeatur; sola uero Eadburgis de ipsa Taneto Limingam⁹⁵ fugisse memoratur ut tacita Miltrudis postea non tam Limingam fugisse quam Limminge adesse eludatur tandemque non de Taneto, ut praediximus, sed de Liminga⁹⁶ Gregorianae basilicae inuecta uentiletur. Postquam enim templum Limingense⁹⁷ exposuit decenti ornatu et ministris et sacerdotibus reparatum, tunc demum diu celatum uirus mellificans, 'quatinus' inquit 'omnipotenti domino ac dilectis sibi uirginibus Eadburgi atque Miltrudi iugi deuotioni seruiretur.' Ecce iste qui solam Eadburgem sine Miltrude Limingam⁹⁸ fugauit, utrasque Limmingis⁹⁹ collocauit

87 Verg. *A.* 4.76.

88 Vnde uenit *om. B.*

89 Limminga *B.*

90 Limmingam *B.*

91 Liminges *A* (*corr. A^c*), Limmingis *B.*

92 See chap. 11 above, and *Vita ... Edburgis*, chap. 20.

93 teplum *A.*

94 monialibus *A* (*corr. A²*).

95 Limmingam *B.*

96 Limminga *B.*

97 Limmingense *B.*

98 Limmingam *B.*

99 Limmingas *AB* (i above a *A¹B¹*).

quas non simul adduxit ubi eis seruitum esse a sacerdotalibus ministris usque ad haec tempora denotauit sicut easdem superius in templo recondiderat, quo destructo sanctimoniales cum Eadburge aufugerant. Et ubi, quaeso, Miltrudis remanserat, quam nemo in fuga Eadburgis memorat? Quando autem uel quomodo unquam Limingam¹⁰⁰ uenit, quam ibi fuisse uel affuisse nemo unquam ante dixit uel scripsit, nemo audiuit uel legit? Sed ne iste quidem de eius aduentu uel transfugio quicquam memorare praesumpsit qui hanc Limingis¹⁰¹ magis affuisse quam aduenisse non tam strenue quam perfide suggessit quando utrisque in Limingis¹⁰² sacerdotale seruitium factum proloqui non timuit, immo mentiri non erubuit. Praeuiderat enim uaffer quia si palam et publica uia proclamaret beatam Mildretham de Taneto insula Limmingam¹⁰³ uel per se uel cum Eadburge aufugisse uel quocumque modo aduenisse, statim uniuersae Angliae notissima ueritate conclamaretur reus fallaciae tanquam fur qui in clara die populosum forum et oculos omnium dum fallere conatur, sua proditione damnatur. Vnde sicut illa meretrix sub Salomone pro suo mortuo alterius uiuentem sobolem uendicat¹⁰⁴ aut certe ipsum mortuum specie et nomine uiuentis insimulat, dum inuento corpori, quod prorsus ignorat, Miltrudis nomen pro Mildretha irrogat. In nocte quoque humanae cecitatis hanc predam furatur quatinus tantum Limmingis esse a stolido et improuido auditore credatur, cui nulla prorsus curiositate unde uel quando uel qualiter ibi uenerit requiratur. Talem ego nunc percuncter. Vnde nosti quod credis Miltrudem Limmingis affuisse? 'Scriptor dixit.' Quis scriptor? 'Nescio, abstulit enim se et nomine et titulo.' Hunc merito furem dixeris non scriptorem, adulterum ueritatis non testatorem. Quando ergo uel quomodo uel unde illa Limmingam¹⁰⁵ uenit? 'Hoc scriptor latens non docuit.' Nichil amplius nosti? 'Nichil.' Creditam, inquam, tibi uesticam tolle uentosam qui ignotis corporibus sanctorum nomina sine indicio figmenti credis. Sic fatui filii Israel et quod uerum est non discernentes,¹⁰⁶ Salomonico gladio¹⁰⁷ docemini. Haec interposuerim sine praeiudicio ignotae qualitatis non¹⁰⁸ insipientia mea dum in hac fantasia non sit nostra Mildretha.

100 Limmingam *B*.

101 Limmingis *B*.

102 Limmingis *B*.

103 Limingam *B*.

104 Cf. n. 9 above.

105 Limmingaem *B*.

106 Cf. Dan 13:48.

107 Cf. n. 9 above.

108 non: (in ss. *B*^c).

xiii

Illud etiam animaduertendum suggerimus quia cum dicat memoratus fictor Eadburgem cum nepte Miltrude in templo post destructo reconditas, sanctimoniales autem olim de Taneto insula cum Eadburge Limmingam¹⁰⁹ aufugisse, beatam uero Mildretham in omni Tanetensi fuga et mentione taceat donec eam in Limmingis¹¹⁰ Eadburgi adiungat, id adeo uidetur moliri ut Mildretham nostram quasi a Taneto alienam efficiat Limmingensem et Eadburgem de Taneto aufugientem credi uelit Tanetensem. Omnis itaque huius intentionis ruitura fabrica in cauda scorpionis apicem conficit cum [in]^{110a} Miltrudem et Eadburgem de Limmingis¹¹¹ Cantuariæ in Gregorianam basilicam translatas ibique collocatas deponit, quod suo loco nostra manus deo adiuuante effodiet et euacuabit.

xiii¹¹²

Sed interim, quaero, postquam Eadburgis migravit e seculo et destructum est templum in quo reconditae fuerant suae suaeque neptis reliquiae, quomodo postea dicitur 'quae olim cum beata Eadburge de Taneto aufugerant?' Cuius temporis pensabitur istud 'olim', utrum ante obitum uel post obitum Eadburgis aut ante aut post conditas reliquias in templo destructo? Si ante obitum, quomodo conditae erant reliquiae in templo, post cuius destructionem fugiebatur? Si postea, quare postquam dixit conditas reliquias, addidit eas olim aufugisse? Sed sanctimoniales¹¹³ fugiebant quae adhuc uiuebant, uerum cum Eadburge ut somniatur: si ipsae cum ea, et ipsa cum eis. At non fugiebant nisi uiuentes. Quae autem cum fugientibus fugiebat, cum uiuentibus uiuebat. Neque enim mortua caperet fugam. Si ergo adhuc uiuebat, quomodo in templo recondita erat? Si autem in reliquiis suis condita erat, quomodo fugiebat? Patent ergo haec deliramenta suis fallaciis capta. Non est quo doli uersator euadat qui dum intemeratae Mildrethae hamum intentat, se ipsum illaqueat. Ipsa quoque commenta quae celat transilit et dissimulat, sicut illa quae propalat palam, insinuant quo euanescat. Nam in primordio cum Eadburgem et Miltrudem in templo taciti loci conditas referat, cum in fuga solam Eadburgem cum sanctimonialibus¹¹⁴ tacita Miltrude pretendat, in Limmingis uero utrasque demum adiungat atque inde ad

109 Limmingaem *B*.

110 Limminges *B*.

110a in: *AB*.

111 Limingis *B*.

112 xiii (*corr.*) *B*.

113 moniales *A* (*corr.* *A*²).

114 monialibus *A* (*corr.* *A*²).

Gregorianam elemosinariam simul adducat, notissimam omnibus fallaciam suam et tacendo et prodendo splendidissima Mildretha ex inanitu luce clarius manifestat. Cuius uehordiae summam, quam in ultimo tota impudentia euomit, dempta ambitiosae narrationis mora, hic ut supra retexam. 'Anno' inquit 'domini mlxxxv, regnante rege¹¹⁵ Willelmo in Anglia, presidente Lanfranco archiepiscopo Dorobernensi aecclesiae, eleuatae sunt reliquiae' et cetera usque 'sunt collocatae.'¹¹⁶ Audiat haec uniuersa Anglia et detestetur tam euidentis mendacium et notabilem cunctis prodicionem in beatam Mildretham, quam incunctanter sciunt omnes nullatenus in illa translatione fuisse sed antea et tunc ac deinceps in porticu et thalamo basilicae beatissimi Augustini mansisse et mansuram dei nutu fore. Senserit fides tunc almam uirginem huius nebulae in se imminens praesciam, ad superstitiosos laudum strepitus indignantem, apud Angliae protoparentem cum suis consortibus adiacentem quaestum mouisse talem: 'Audisne haec, mi pater Augustine¹¹⁷ et uos in albo caelesti patres conscripti? In nostram iniuriam ista orditur tela.' Quorum haec paterna audiantur responsa: 'Sine modo, filia sciens quia tuarum uirtutum radiis euanescet haec nebulosa tela, dicant ergo anno domini quo uolunt, afferant corpora quae nesciunt, uexent caelum superstitiosis laudibus, addant pontificem cum sacerdotibus et plebe susceptorem uel¹¹⁸ comitem: possunt falli potentes et sapientes, non potest autem uerum esse quod falsum est. Possunt e duobus illatis unam dicere Eadburgam sed nesciunt quam, et si tandem inuenerint Eadburgam inter multas Angliae Eadburgas, uel sanctas uel alias, ubi nulla superscriptio nullum indicium fuerit, nescient quae illa sit quam elegerint. Quod si dixerint Aethelburgam ibi, demum certus intellectus est quia illa noscitur fuisse filia Aethelberti¹¹⁹ regis Cantuariorum et regina Northanimbrorum, cuius in Limmingis eminentius et augustius creditur monumentum. Viderint ergo quid sentiant ex his duobus locatis in Gregoriana aecclesia, cum ibi nulla sit Miltrudis nulla Mildretha, quae nec in Limmingis unquam post caeli triumphum fuit nec inde uenit. Nec si aram aut aecclesiam erigas, ibi eam fuisse a doctis et rectis credetur.'

xv

Tanetum uero qualiter in uita et post caeli aditum possederit, quam conspicuum adhuc mausoleum ibidem uacuum corpore sed plenum uirtute reliquerit, quomodo inde migrans in Augustiniana aula requieuerit, tanta signorum gloria elucidat ut omnis structura falsitatis hoc fulmine puluerescat.

115 rege *om. B.*

116 See *Vita ... Edburgis*, chap. 21.

117 Augustine of Canterbury, not of Hippo. Cf. Verg. *A.* 4.208.

118 uel: et *B.*

119 Athelberti *A.*

xvi

Qua autem fronte scriptor in translatione Eadburgis ignoto corpori, quod sub pauimento Limmingis tumbae inuentum est, imposuit nomen Miltrudis cum fere post triennio ambigerent quem aut quam sanctam¹²⁰ in ipso corpore habere uellent, quod nomen illi concederent? Non enim in translatione illud nomen patuit quod per annuas moras tardius emersit.

xvii

Igitur post omnes ambages quanto uerior est illa antiqua et lucifera translatio de Taneto insula quam ista de Limminga. Immo uero illa uerissima est, ista fallacissima. Illa, inquam, et temporibus et personis longe certior ac certissima noscitur quae acta constat anno incarnationis Christi millesimo xxx die xv Kalendas Iunii^{120a} sub Benedicto apostolico Romae,¹²¹ Henrico¹²² imperatore, Kenuto Anglici orbis rege,¹²³ Aegelntho Doroberniae archipresule,¹²⁴ Aelfstano huius triumphii baiulo summi Augustini augustae domus rectore.¹²⁵

xviii

Sed quem tot amfractus et foueas uulpium obstruere non tedeat? Dum diu, ut iam dictum est, careret nomine altera gleba cum praenominata Eadburge translata, tandem insidiose Miltrudis uocabulo est simulata. Auditum est inde a domesticis sancti Augustini fumo inanius commentum, quod in Limmingis inuentum esset hoc nomen cum ea in lapide scriptum. Hinc¹²⁶ Augustinensis abbas Wido,¹²⁷ aduocans Limmingensem parrochianum nomine Radulfum uirum sen-

120 secundum *A*, scām (ā *perh. corr. from* ū) *B*.

120a i.e. 18 May. See my introduction, n. 23.

121 Actually John XIX was pope in 1030 (he held the papacy 1024-1032). Benedict VIII was pope 1012-1024, and Benedict IX was pope 1032-1045. Liebermann, pp. ix and xvii, says that the translation took place in 1033. Barlow, 'Two Notes', 651, reads the date in both the *Translatio* (see n. 125 below) and *Libellus* as 1035 (BHL, no. 5961 also reports 1035). This leads him to say that Benedict IX is the pope meant here and to declare that apart from the mistake of Emperor Henry for Conrad, 'the chronology is impeccable'.

122 Haenrico *A*. Actually Conrad II was emperor 1027-1039. Henry II was emperor 1014-1024, and Henry III was emperor 1046-1056.

123 See n. 41 above.

124 Aegelnth was archbishop of Canterbury 1020-1038.

125 A statement closely corresponding to 'acta ... rectore' appears in *Translatio s. Mildrethae*, chap. 17.

126 Hunc *A*.

127 Wido was abbot of St. Augustine's, Canterbury, 1087-1093: see Knowles, Brooke, and London, *Heads of Religious Houses*, p. 36.

satum, qui memoratas glebas eleuauerat, si quod ibi indicium repperisset ne eum celaret adiurat. Ille econtra omni sacramento et iuramento satis faciens, 'Ego' inquit 'qui hisce meis manibus utraque corpora de tumulis suis leuauit et exhausi, testor¹²⁸ omne sacrum quod ibi nullum nomen, nulla scriptura, nullus titulus, nullum indicium fuit repertum uel nominatum, nulla prorsus Miltrudis, nulla sancta preter illam quae censebatur Eadburgis ibi erat indicabilis, nec cuiquam nostrum super his ut credo in mentem nomen Miltrudis uenit donec tandem post longum tempus nescio quo compositore erupit. Quocirca indicibiliter ammiror humanam uesaniam quod non uerentur homines coram deo omnium inspectore et iudice tam scienter et intelligibiliter mendacia fingere.' Haec et his similia sacerdos coram abbate et qui nunc prior est tunc aecclesiae edituo aliisque senioribus zelo ueritatis protestatus, benedicens omnibus cum Augustinensi Mildretha digreditur.

xviii

Verum quoque hic maius testimonium quod est ab ipsa uirgine subiciemus. Cum adhuc autem Limmingensia busta Gregorianis aduecta, Tanetensis gemma beati Augustini porticum sub abbate Scollando¹²⁹ adornaret, frater bonae memoriae, secretarius aecclesiae, transmarinus Theutonicus nomine Maurus quodam uespere post completorium dormiturus lectulo accubuerat. Habebat in pulpito retro chori¹³⁰ aditum stratum, unde tueretur monasterii depositum. Necdum obdormierat, et ecce sanctimonialis puella formae inestimabilis astabat. Ille, attonitus nouae pulchritudinis casta contemplatione, rogat unde, quae sit, quid tali hora uenerit, uolebatque succensere sed intellexit non mortalem temeritatem uerum sideream maiestatem sibi praelucere. Illa econtra 'Nescisne' ait 'quae sim? Crastino scies; cras me conspicias.' At uero contemplator, altiori deuotione accensus,¹³¹ 'Obsecro' inquit 'domina mi, ne moreris indicare quae sis et quo nomine censearis.' Tum uirgo benigna et exorabilis 'Ipsa' inquit 'sum quam hic ueneranter habetis, quam sanctam Mildretham appellatis. Die uero crastina me uidebitis.' Dixit, et quasi ad thalamum suae porticus remeare cepit. Speculator autem multa hinc secum cum ingenti ammiratione uolebat mysterium huius indicii quid portenderet, maxime uero cum excogitare non sufficeret quo argumento id proueniret quod illa quae iam olim ad aeternum seculum transisset crastino se conspiciendam promississet. At uero praescripto tempore ueraciter cognouit quam

128 testor: *twice B.*

129 See n. 14 above.

130 chorum *A.*

131 succensus *A (corr. A¹).*

ueram pollicitatricem audierit. Exactam ergo noctem insecuta iam hora diei tertia, conuocat memoratus abbas Scollandus numerosam seniorum et prudentiorum monasterii frequentiam, ipsum quoque Maurum intra porticum beati Augustini sanctorumque collegarum, in qua et ipsa tunc habebat pacis thorum. Nam cum primum ad sanctum Augustinum translata est, ad gradus autentici altaris apostoli Petri praeminentem tumbam et altare habebat ubi cotidie matutinalem missam fratrum chorus celebrabat donec illud renouandum templum frangeretur et ipsa in praefatam porticum reponeretur. Ibi recondita pro tempore seruabatur in arca diligentissime, ut decebat tantum thesaurum, ferro undique munita et obserata. Clauis autem in longinquas terras asportata dei nutu ut credimus in huius abbatis deuenerat manus. Quibus uero uerborum temptamentis de hac clauis cum sanctae Mildrethae commendatione¹³² fratres sollicitauerit, cum modo non sit necessarium quamuis esset iocundum exponi, aut tacendo aut artando suppeditabimus lectori. Proferens ergo pater familias clauim rogat astantes an agnoscant. Solus hanc recognoscit dominus decanus, uir pie ac sanctae uitae notissimus. Hic sub abbate Aelfstano¹³³ dudum occurrerat translatae uirgini testis fidissimus eius susceptioni. Vnus recognoscit. Omnes festiue uero ammirantur et congratulantur. Prosecutus ergo abbas, 'Hanc' inquit 'clauim dominus Aegelsinus,¹³⁴ praedecessor noster, discedens hinc a timore noui regis in Daniam, remisit mihi fide ac deuotione praeclarissimae uirginis, satisfaciens hanc dum secum esset prorsus insontem mansisse ab omni sui depositi apertione, mandans etiam diligentissime ut hanc sanctam reconderem a Danorum exercitu tempestuose imminente. Ego quoque deum et hanc eius dignam famulam testor me sine uobis nichil hic¹³⁵ ausum fuisse. Ergo in nomine domini, cum deuota psalmodia et oratione accedite, hanc thesaurariam reserate,¹³⁶ inuentumque dei beneficio pretium ab inuasionem predonum abscondite. Tunc etenim fulmen et tonitruus transmarinorum exercituum patriam concusserat, sed sanctorum meritis hic turbo ut multa alia inanescebat. Est autem clauis ut uidimus noua arte utroque latere dentata ut et eruditum artificem rasea fatiget et casset. Cum ergo diu luctabantur fratres, inuicem succedentes multumque agonizando, nil studio uel tempore proficiebant. Sed quia labor improbus, immo fides perseuerans, omnia uincit¹³⁷ iugi psalmodia exigente diuinam manum, clauis suum tandem expleuit officium, patuit arca et in arca plumbea theca. Qua reserata offertur obtutibus lignea cista, ferreis lamminis

132 commendatio ne *A*, commdatione *B*.

133 See n. 11 above.

134 Aegelsin was abbot of St. Augustine's, Canterbury, 1061-c. 1067: see Knowles, Brooke, and London, *Heads of Religious Houses*, pp. 35-36.

135 hic *om. B*.

136 reserare *A*.

137 Labor ... uincit: cf. Verg. *G.* 1.145-146.

et clauis conexas sed cariosa iam uetustate ac rubigine consumpta. Tunc canduit intus linea palla miro nitore ac gemmantis planetae relucens tritura. Hunc niualet pannum artificiosae texturae ac dictaturae ubi iussu patris sustulere, inuentus est enormis longitudinis in quadros aut amplius cubitos ductilis.' Tum uero illa mellea pignora fulsere circumstantium oculis, et quas Tanetus misisset quas Augustinia thesaurizasset gemmas intuitus testis erat irrefragabilis. Tunc ipse Maurus uidit cognouit et intellexit quam uera essent quae sero uates sua de se uidenda sibi promiserit, et in clamorem ammirationis erupisset nisi reuerentia praesentium repressisset. Qui ubi ipsa serotina uisa et promissa retulit, amplius omnes cum ipso patre in benedictionem et gratiarum actionem¹³⁸ accendit. Illud praeterea letus abbas magno stupore et alto preconio uirginalis gratiae extollebat quia memoratum lintheum quod sacros artus texerat ita nouum nitidum immaculatum atque illesum recanduit, sicut primitus pia diligentia imposuit, ut nec putredo ligni nec rubigo ferri nec ulla prorsus annosae corruptelae iniuria attigerit.^{138a} Recondita est itaque terrae in sarcophago nouo haec illustrissima margarita a formidine malorum donec transuecta est in renouatum Augustini domicilium ubi nunc sua gaudens porticu et altari requiescit¹³⁹ prodiga beneficiorum. Post haec autem increpuit illa noua ad sanctum Gregorium in duobus feretris translatio facta. Tandem altera ignota et sine nomine gleba induitur, inaniter mentita spolia ut dolose diceretur Miltrudis pro Mildretha. Quos fucos sepe renascentes tota haec series armis ueritatis profligat donec funditus extinguat.

XX

Multa iam diximus, ex quibus omnibus unum quodlibet rectis corde sufficeret. Sed inpenetrabilis durities Niliaci corcodrilli saxosis contusionibus quandoque frangenda est, et Appollineus Phytion¹⁴⁰ montuosa inuictus magnitudine uel mille telis obruatur a multitudine. Praeterea examinandus, exarandus, euertendus est diuersus ager ne qua pestis lateat, ne mus, ne talpa, ne bufo, et quae plurima terrae monstra ferunt frumenta ueritatis corrumpant.¹⁴¹ Sic rigor rebellis peruicaciae et moles magniloquae iactantiae et sepe renascens sibilus uirulentiae multo et assiduo tandem extinguendus est ictuum turbine. Partes quoque et foueae uulpium et quaeque latibula insidiantium publicata pereant ne furtim perdant. Cum igitur beata Mildretha apud suum Augustinum, ut sepe recoli ratio expetit,

138 actionem: twice *B* (line below second occurrence).

138a Cf. *Ov. Met.* 15.871-872.

139 sua gaudens ... requiescit: gaudet sua et altaris requie *B*.

140 Phiton *B*. Cf. *Ov. Met.* 1.438-444.

141 pestis ... corrumpant: cf. *Verg. G.* 1.184-185.

crebris miraculis se declararet, Gregoriani suis figmentis diffidentes diuino iudicio ueritatem explorant et uerum fieri laborant quod omnes preter simplices, quos magistri deceperant, fallaciter usurpatum nouerant. Mirabilis error quorundam ut quod uerum esse optant, uerum esse fingant et ultro credant. Sic insensatae gentes suis simulacris similes quae fecerunt deos crediderunt atque adorauerunt. Ergo acta tridui abstinentia, temeraria conscientia supernum examen attemptant quod usitato limphae officio ultro successurum praesumpserant. Iam capaci aquae dolio ornatis sacerdotibus instanter consecrato, fit ab omnibus ad summum aequitatis libratores imprecatio quatinus si beata Mildretha apud ipsos corporaliter esset, aqua iudicialis¹⁴² personam naturali usu mergendo admitteret, si uero non ibi sed apud sanctum Augustinum haberetur, eodem liquore resistente¹⁴³ nequaquam mergeretur. Immittitur ergo puer manibus genua amplexantibus, globatim ligatus sicut huius sacramenti habet usus. Res mira et elementa¹⁴⁴ cohibens indignatio iusta. Iacuit puer facietenus ac tereti flexu genuum super undam, non secus ualens mergi quam ferream clausulam ingredi. Impellunt uiolentis pugnis a tergo et capite, resistitur a latice uelut a solida glacie uel praeduro marmore. Iam pene puer extinctus erat dum liquor sibi impenetrabilis ad gurgitandum os et nares et habitum obstrueret ad interitum. Quo tandem extracto doluere confusi sua se praesumptione proditos et captos dum caelesti iudicio, quod prouocabant, arrogate Mildrethae praesentia se uacuos inuenirent ac suam quaestionem ab aquae repudio reprobam peruidissent. Coguntur iam suo actu et aspectu experta uel ingrati credere quae ante multis argumentis scientes nolebant cognoscere. Sic iniquae raptricis quaerela dum apud regem aequitatis mouet iudicia, dum euaginat ense in sua excidia, soli maternae Augustini ecclesiae suam decentissimam sobolem uera ueri Salomonis adiudicauit sententia.¹⁴⁵ Haec itaque ex ipsis canonicis uel clericis qui interfuere huic iudicio audiuimus, suam pertinaciam damnantibus ac ueniam suppliciter flagitantibus almamque Mildretham nobiscum esse indubitanter asserentibus. Precipue autem uenerabilis inter eos dominus Wulfredus,¹⁴⁶ qui ipsum iudicarium alueum albus consecrauit, qui ipsam probatissimam personam frustra quidem aquosae urnae non tam imposuit quam inflixit, ipse, inquam, trepide ad priorem Augustiniensem ac spectabiliores seniores uenit nec apud illos erubuit satisfactionem qui factionem erubuit. Omnia

142 On ordeals see especially: *Dictionnaire d'archéologie chrétienne et de liturgie* 12.2 (Paris, 1936), cols. 2377-90; *Dictionnaire de droit canonique* 6 (Paris, 1957), cols. 1117-23; J. W. Baldwin, 'The Intellectual Preparation for the Canon of 1215 against Ordeals', *Speculum* 36 (1961) 613-36, with basic bibliography on 613 n. 3.

143 resistente *B*.

144 aelementa *A*.

145 Cf. n. 9 above.

146 Wulfredus *B*.

ordine propalauit: beatam Mildretham Augustino patri adesse experimento iudicii quod fecit certissime astruxit; remissionem pristinae iniuriae apud ipsam uirginem eiusque domesticos humillime petiit ac petit. Hoc quoque relegendum ac reprobandum¹⁴⁷ est, quod ab eodem ueritatis zelatore aliisque cognouimus, quod quia iudicium non ad suum cessit propositum, concinnatores fallaciae assimulauerint pro alia causa quam pro sancta Mildretha factum. Domnus Wido,¹⁴⁸ qui tunc prepositus erat illius aecclesiae, eidem iudicio noscitur affuisse et nostrae causae iure poterit fauere si malit ueritatem profiteri quam subiacere dissimulato reatui.

xxi

Verumptamen dum adhuc amicis parcimus, dum irreuerentiae reuerentiam seruamus, nocentes plus armamus quam flectimus. Delere ergo attentius compellimur quod de aduersaria nube restat ut omni caligine abstrusa, plena puritate lux nostra resplendeat. Vnus fratrum aecclesiae domini alias quidem honorabilis in hoc uero refutabilis habetur quod incentor et signifer totiens memoratae praesumptionis in beatam Mildretham extitisse asseritur. Hanc publicis praedicationibus hanc etiam fabulosis scriptis Gregorianaе parrochiaе decertabat, ut ferunt, perpetuo mancipare, sed populus iam olim sciens illam non de Limminga sed de Taneto, non uaniloquorum caueae sed Augustinensi regiae successisse risit ac reppulit affatim huius nebulam fantasiae. Conuenerat hunc huius superstitionis concinnatorem uenerabilis abbas Scollandus; negauit ille inpraesentiarum beniloquus. Spopondit se nil¹⁴⁹ ultra aduersi moliturum sed post eius¹⁵⁰ discessum auxit potius dissidii emolumentum. Tandem post archiepiscopi Lanfranci decessum ipsum praeuaricatorem diuina indignatione prior suus insectabatur. Tunc ad ipsum Augustinum et caeteros sanctos sanctorumque famulos, quos omnes in beata Mildretha offenderat, confugit ac de¹⁵¹ domestica persecutione quos persecutus est patronos requisiiuit. At Augustinenses, assueta in afflictos benignitate, hunc suscepere,¹⁵² prioris tamen infestationis causas quaesiere. Ille protinus in iudicium fratrum atque in omnem satisfactionem se dedere, se reum recognoscere, ueniam a sanctis et ab ipsis fratribus¹⁵³ quos of-

147 reputandum *B*.

148 Wido, prior of St. Gregory's, is not named in the cartulary of St. Gregory's, ed. Woodcock, or noticed by Knowles, Brooke, and London, *Heads of Religious Houses*, p. 158.

149 nichil *B*.

150 eius: (line below eius) *A*, om. *B*.

151 de om. *B*.

152 suscipere *B* (corr. *B*^c).

153 fribus *B*.

fendisset gemebunde¹⁵⁴ flagitare, beatam uero Mildretham hic apud sanctum Augustinum corporaliter requiescere ueraciter et indubitanter se¹⁵⁵ credere. 'Noui' inquit 'certissima fide uos uos beatam Mildretham corporali praesentia¹⁵⁶ hic habere et signis loco tempore id omnibus patere, me autem ob gratiam alicuius potentiae et ob uacuum spem id sceleris scienter incurrisse.' Ferebatur autem causa uirginalis hereditatis supplantandae huiusmodi fallaciam confictam fuisse. In hac itaque professione aliquandiu hoc refugio detentus, postquam discessit, in pristinam perfidiam ac beneficorum fratrum iniuriam acrior surrexit. Hinc itaque post aliquot annos ipsa gloriosa uirgo, sub sacram noctem recurrentis natalicii¹⁵⁷ sui, cuidam ex nostris bonae estimationis fratri ante uigilias lectulo quiescenti apparuit facie rubicunda uelut ab indignatione et iracundia, ut rubet uentum uel tempestatem portendens luna. Sciscitatur inspector quae sit quapropter tali hora uenerit. 'Illa sum' inquit 'cuius solennitatem instantem celebratis, et nunc meae quaerelae gratia ueni.' At contemplator, inter somnum aut extasim ambiguus, expauescens uelut ignitum uirginis motum et turbulentum turbidae mentis ex uaria mutatione aspectum, rogat trepidus quae causa sit talis optutus. 'Vnde est' inquit 'O domina, tam turbida ac diuersa facies tua? Quae te mouit aduersitas? Esne cum domino in superis mansionibus?' 'Sum' inquit 'cum domino. Sum in claritatis et pacis solio. Sed in illum tam de uestra quam de mea iniuria adeo accendor et indignor qui me in sua parrochia haberi mendaciter grassatur et hic ubi ueraciter sum adesse inficiatur.' Tum ille:¹⁵⁸ 'Esne,¹⁵⁹ obsecro, hic corpore nobiscum ut credimus?' 'Sum' inquit illa 'nec id fidelis, quod absit, dubitet quamuis aduersator credere dissimulet. Nec tamen in me sed et in dominum peccat qui meum corpus in hoc electissimo sacrario esse rapaciter negat. Sed hoc sciatis quia ille qui sic me irritauit ante reditum huius solennii mei, sciet quam offenderit. Propitia sit superna censura.' Post tres menses ab hac uirginis festiuitate, ipse de quo haec trutinantur, ab hac uita decessit, huiusque uisionis assertor quam uiderit ex finis consequentia recognouit.

xxii

Quamuis igitur in singulis fere sententiis beatae Mildrethae certam praesentiam sufficienter defenderimus, multa tamen addere quaedam etiam repetere compulit semper prostrata et rursum repullulans insolentia et quae more hereticarum

154 gemebunde: *B* (cepit ss. *B*¹ as it seems), gemebundae *A*.

155 se om. *B*.

156 presentia om. *B* (ss. *B*¹ as it seems).

157 See n. 15 above.

158 illa *B* (corr. *B*¹).

159 Esue *B*.

adinuentionum late serpit uirulenta pestilentia. Verumptamen seniores ac saniores Gregoriani, in tam manifesta omnibus ante nos et coram nobis ueritate, ita se ipsos feruntur arguere: 'Temerarie immo periculose celebramus quod nescimus ubi de meritorum qualitate nullum indicium habemus. Duo corpora nobis sunt allata, unum sub nomine Eadburgis, quam alii Aethelburgam Northanimbriorum regis coniugem, alterum sine nomine et notitia, quod uacui sensu Miltrudem pro Mildretha uocauere, quasi reginam uocari hoc esset reginam esse et alienum bustum in Mildretham transiret ex ficto nomine. Frustra elatis in altis scriniis, frustra praedicationibus et summis festiuitatibus contendimus. Ipsa uirgo tam se hic non esse quam apud electum patrem Augustinum uere esse luce clarius publicet, unde nostra figmenta signorum fulmine reuerberat. Siquis nos interroget quae uel unde sint haec sancta nostra altari supereminetia, quid respondebimus? Si dixerimus nomina, conuincemur mendacii¹⁶⁰ in Mildretha omnibus clara. Si referamus aduenarum loca, respondebitur obstructis Tanetensem Mildretham nunquam uenisse de Liminga.¹⁶¹ Quod si nos nescire fateamur, satius est enim ignorantiam confiteri quam mentiri, arguemur ex euangelio Samaritanorum errore qui colimus quod nescimus.¹⁶² Et quid multa opus est ambage¹⁶³ dum quod in aurem nobis loquamur diuino iudicio probauerimus, hanc nequaquam hic esse?' Tali modo colloquentibus senioribus, forte unus puerorum subsidens 'Vere' inquit 'si credidissent presides uestri beatam Mildretham uel Liminge¹⁶⁴ uel hic fuisse, nequaquam paterentur uel illos uel uos habere.' At illi ex conscientia arridentes uere aiunt 'O puer, nec pueriliter hoc dixisti.'

xxiii

Sed ecce dum haec recensemus, natalicium¹⁶⁵ uirginis illuxit. Iuuentus clericorum plebiculae fauorem quaeritabat ambitiosa festiuitatis extollentia quatinus suae parrochiae intentaret uirginis nostrae praesentiam et ambitiosis factis atque occultis susurris rudes caperent qui suis proditionibus caperentur. Sed unus Augustinensis contubernii egregius et Tulliana eloquentia praeclarus confertissimum populum, ad solennem uirginis missam infusum, iam olim de eiusdem bonae interuentricis aduentu ac miraculis eruditissimum, idem preco fidelis, multa ex innumeris rememorando, confirmabat. Necdum autem noueramus quanto omni facundia splendidius ipsa sua nocte praemissa se declarauerat et

160 mendaci *A*.

161 Limminga *A*.

162 Cf. Io 4:22.

163 Ov. *Met.* 4.476.

164 Limminge *B*.

165 See n. 15 above.

omnes aduersos sibilatores hac luce effulminauerit. Hactenus itaque caelicola Mildretha de tumultu suo et de terrena commemoratione latrunculis suis signorum iaculis repugnabat, multisque reuelationibus unde uenisset et ubi maneret suis domesticis declarare solebat. Iam uero de superno regno, ubi gloriam resurrectionis expectet, elucidat, iam de caelo nobis arma ministrat. Tertia dies est haec ab ipsa praesignatae uisionis nocte. Hodie obstructum est os loquentium iniqua, turris Babel concidit, labium constructorum ultrix dispersio confudit.¹⁶⁶ Omnis machina figmentorum adinventionum scriptorum, nec loco nec tempore consentiens, hoc ariete corrui. Iam nulla ambage opus est:¹⁶⁷ ydra multorum caputum uno ictu iugulabitur. Audiant ergo grati ut hilarescant et ingrati ut resipiscant.

xxiii¹⁶⁸

Est in centenario praeminentis aecclēsiae Christi choro senior euo, honorabilis uerbo et actu¹⁶⁹ fidelis, conuersatione orationibus et psalmodia praeclarus, nomine¹⁷⁰¹⁷¹ Hunc de¹⁷² beata Mildretha errantem quod in Gregoriana parrochia teneretur, hunc, inquam, post actas uigilias uirginalis natalicii stratu obdormientem uisio praesignata tali modo concitauit. Astitit angelus domini et aspectu et¹⁷³ habitu lucidissimo, uocansque placide, 'Surge' inquit 'et uade¹⁷⁴ ad nuptias.' Sensit dormiens iussum, sed somnus inhibuit responsum. Venit secundo excitator dicens 'Surge, iam surge et ad nuptias procede.' Ad haec contemplator¹⁷⁵ 'Ad quas' inquit 'nuptias?' 'Ad nuptias' refert nuntius 'sanctae Mildrethae uirginales.' Sed auditorem rursus sopor oppressit. Tertio tandem caelicola regrediens 'Cur' inquit 'tardas ad festas beatae Mildrethae¹⁷⁶ surgere nuptias?' Tum uero contemplator, intellectualiter respondens caelestibus monitis, 'Vbi quaeso' ait 'domine, eam esse credemus?' 'Apud sanctum Augustinum' respondet testis aethereus. At ille 'Annon potius est' inquit 'apud sancti Gregorii parrochiam ut nos arbitramur?' 'Nequaquam id credas' ait ueri symmista 'ibi

166 Cf. at n. 59 above; Gen 11:9.

167 See n. 163 above.

168 The 'uade ad nuptias' story of chap. 24 is likewise told in *Translatio s. Mildrethae*, chap. 35.

169 adactu *AB*.

170 nomine *erased in B*.

171 *A* leaves a gap of about 11 letters (several erased letters, it seems, stand in the gap); *B* leaves a gap of about 15 letters.

172 de *om. B*.

173 et *om. AB (inser. B¹)*.

174 Cf. Num 22:21 and elsewhere in the Bible.

175 conteplator *B*.

176 Mildrithae *B*.

scilicet numquam fuit nec est nec erit. Verum hoc indubitanter scito quia apud sanctum Augustinum est. Iam enim uidebis ueri indicium.' Ad hoc angelicum dictum uisa est inspectori tota aula qua quiescebat splendore flammeo, ultra quam dici possit, choruscare. Tum uero, mirabile dictu, aperta desuper caeli monstrantur fastigia, et inestimabili luce effusa angeli archangeli throni dominationes¹⁷⁷ atque innumera supernorum agmina cum immensa claritate descendere sibi sunt uisa, inter quae omnia gloriosa Mildretha resplenduit aetherea pompa, tanquam de thalamo procedens regia domini sponsa. Cernitur forma siderea, regio diademate¹⁷⁸ praefulgida purpura, auro texta, gemmis margaritis, ac monilibus incomparabilibus¹⁷⁹ omnique ornatu glorie decorata, tanquam regina quae uenit a sponsi dextris, cui dicat pulcherrimus amator intemeratae pulchritudinis 'Tota pulchra es amica mea.'¹⁸⁰ Sic igitur inserta¹⁸¹ ac circumfusa caelestium choris ab ipsa occidentali regia, qua contemplator excubans haec speculabatur, summo omnium triumpho et concentu usque in Augustinianam aulam deducitur, simulque nouus suus assertor mentis acie comitabatur. Hic demum, hoc est in Augustinianam suam usque in porticum monumenti et altaris sui cum angelicis laudibus uirgo perducitur, et circumstante supernorum exercitu, finito ymno tumbam uelut requietionis suae thalamum ingreditur. Nam ut mira huius mysterii atque ineffabilis gratiae dei consonantiam amplectamur, eadem hora noctis qua praefatus senior uitalem uirginem apud sanctum Augustinum subeuntem tumbam suam per uisum uidit, Augustinensis chorus, exactis nocturnalibus sacris eiusdem uirginalis solennii duodecimum responsorium finiuit et prior ymnus laudis intonuit simulque maximorum cimbalorum clangor insonuit et contemplator, in se reuersus, protinus e lectulo cum magna animaduersione exiliit tremensque ad sacra altaria confugit et in honore beatae uirginis missas celebrat. Cum ergo credamus psalmista docente in conspectu angelorum nos¹⁸² domino psallere¹⁸³ nec dedignare concius angelos cum deuotis famulis deum laudare, pulchre sane uidetur haec uisio illi duodeno responsorio consonare in quo uirginis aduentui superna cum infimis congratulari canitur, quod et pro intellectu hic inseritur. R.¹⁸⁴ 'O diem illum festium quo patriae salus Mildretha aduehitur. Tota adeo prouincia obuiam fertur, ymnus laudis in caelum tollitur, superna congratulantur, et Heliae inundatione terra

177 Colos 1:16.

178 diademato *A*.

179 incomparabilibus *A*.

180 Cant 4:7.

181 *order* inserta igitur *B*.

182 uos *B*.

183 Cf. Ps. 137:1.

184 R *om. B*.

exusta renouatur.¹⁸⁵ V.¹⁸⁶ 'Rerum siccitate omnia moriebantur, sed aduentu salutiferae uirginis omnia renascuntur.'¹⁸⁷ Perpendat itaque omnis beniuola anima quam iocunda sit ista conuenientia ut in isto sui aduentus carmine uideretur cum superno contubernio¹⁸⁸ aduenire et hoc finito suae requietionis apothecam subire.

XXV

Satis iam profligata uidebantur uaniloqua mendacii castra, sed adhuc pharetram nostram supplet signiferosa Mildretha ne quis in pugnam redeat de fuga. Post biennium itaque illius caelestis uisionis quam proxime exposuimus, recurrente annua festiuitate eiusdem uirginis, prememoratus senior,¹⁸⁹ dum post matutinas laudes lectulo requiesceret, ipsam domini sponsam aetherea facie assistentem sibi uidit talique affectu salutantem se audiuit 'Benedicat te dominus deus.'¹⁹⁰ Ille ut soporatus respondit 'Sit nomen domini benedictum ex hoc nunc et usque in seculum.'¹⁹¹ Rogat quae sit, unde uel ad quid uenerit. Refert beata se esse illam cuius festiuitas tunc agebatur apud sanctum Augustinum, scilicet Mildretham, seseque ab ipso Augustino, suae requietionis patrono, uenire ipsumque fidum suae iniuriae ac querimoniae testem petere. 'Nonne' inquit 'intelligis sensata animaduersione quanta insolentia et superstitione deo et mihi famulae suae mentiuntur filii alieni Gregorianaec ecclesiae, ipso etiam nostro Gregorio reprobante quanto tedio me aggrauant et expugnant sua inimica mihi non mea solennitate, sua non mea celebritate? Nam in hoc elaborant sua infestissima festiuitate omnes uincere ut tali phantasia credat uulgus coloratae fallaciae quod ipsi me possideant in meo corpore, quam tam dedecoroso persequuntur honore. Dedecorose enim me honorant qui me de mei Augustini excellentia in suam parrochiam elemosinariam fallacissimo commento captiuant et nociuo obsequio infamant. Tali modo apud fidelem ueneratorem conquerente beatissima uirgine, ille sibi uisus est haec referre:¹⁹² 'Credebam, O domina, uanae iactantiae te apud Gregorianos esse antequam me praeterito tempore huius festiuitatis tuae tua dulci uisitatione et admirabili docuisses declaratione nequaquam ibi te esse ubi fingebatur sed apud sanctum Augustinum te certissime requiescere.' At illa 'Iam' inquit 'hoc firma et insuperabili fide retine quia uere

185 3 Reg. 18:41-45.

186 V *om. B.*

187 Cf. chap. 26 below.

188 ctubernio *B.*

189 seuior *B.*

190 Cf. Ps. 133:3.

191 Cf. Tob. 3:23 and Iob. 1:21.

192 *order* referre haec *A* (*corr. A¹ as it seems*).

sum et¹⁹³ mente et corpore apud beatum Augustinum et nullatenus apud ipsum superstitiosorum collegium, nec ulli credas hoc indicium esse fantasticum.' Haec sane ab eiusdem probi senioris ore audiuius, qui hac uisione est edoctus.

xxvi

Dicemus et recens probamentum, temerarie pretentum, quod forsitan rideant aduersarii, sed ueritatem probauerunt caeli. In hesterna festiuitate translationis beatæ Mildrethæ, qua dudum de sua Taneto ad desideratum patrem Augustinum translata est, aderant apud ipsum sanctum Augustinum quidam Gregorianæ importunitatis acerrimi fautores, qui subsannabant et exprobrabant fratribus omnia studia sua circa beatam Mildretham esse superuacanea et festa illa translationis fallacissima haberi tanquam inania somnia, quandoquidem ipsa haberetur apud Gregorianos et non apud Augustinianos. Verum enim uero Augustiniani conuicerunt eos comprobatione fortissima et ubique luce clarius notissima ueritatis euidencia atque in eos retorsere omnia fallaciae suae spicula. Victi tamen maluerunt inpudentia resistere et mendacio uincere quam uinci¹⁹⁴ ratione. In hac controuersia unus ex iuuenibus Augustiniensium, ultra se erumpens, et temeraria fide praesumens, 'Quando' inquit 'beata Mildretha huc de sua Taneto translata est, diuturnam terrarum siccitatem et desperatam fertilitatem mira inundatione pluuiæ sui aduentus benedictione repleuit¹⁹⁵ et exinde singulis fere annis huius gratiæ mentionem in hac translatione pluuiæ datrice refundit. Haec ergo nox uel dies crastinus cui crediderim sententiæ me docuerit si non pluerit.' Risere ad haec aduersarii et hanc dolose comprobant sententiæ, quasi iam uere totam nacti essent beatam Mildretham si temeraria iuuenis uota non fierent rata quæ in tam splendida totius caeli serenitate, qua tunc mundus fulgebat, nemo prouentura credebat. Seniores uero monasterii, uehementer turbati acerbissimis uerbis iuuenis, uerba reuerberant coram ipsis insidiatoribus, quibus ille macheram ferendi prebuisset. 'Quis te' aiunt 'nobis statuit arbitrium¹⁹⁶ ut tam stolidè praeiudices et praeфинias nostrum arbitrium? Annon erit hoc quod asserimus uerum nisi tua dicta¹⁹⁷ affirmet firmamentum? Qua dementia conditionem ponis supernæ maiestati ut si hoc festum imbre caruerit, tunc non credas quod beata Mildretha nobiscum sit? An tunc erunt uera ipsa fictorum mendacia si tua non euenerint promissa? Penitere, insane, et desine diuinum examen temerare. Alma

193 et *om. A* (*ss. A¹*).

194 uici *A*.

195 See *Translatio s. Mildrethæ*, chap. 17.

196 Exod. 2:14.

197 dicta *B*.

uirgo nostra hic, ubi se non solum translatione uerum etiam tot signis adesse ostendit, nobis non deerit, et si aliquando pro dominico nutu signa subtraxerit.' At iuuenis in tam praerupto dicto suo, nimia confusione obrutus, ad beatæ uirginis monumentum et aram se proripit, se ibi in planctu et gemitu anheloso obuoluit, socios coeuos et grandeuos intercessores ascissit. Trepidabant affatim quasi pro iudiciali probamento et uirginis examinatione ne si ad lubricam iuuenis propositionem euentus falleret, factiosa audacia uulgaret ubique tali signo probatum fuisse quod beata Mildretha uere existeret apud se. Orant pariter beatam uirginem tam attente quam necessarie ne usurpatrici parti occasionem relinquat mentiendi in se. Persistebat claritas solis limpidissima, nulla uidebatur in aethere nubecula. Strauit cubile suum rosis et punicea palla occumbens uespera,^{197a} promittens cum succedente luna fulgida et tota nocte candida crastina solennia suda et inaquosa. Surgitur communi diligentia ad nocturnaliam cantica. Domestici et extranei notant aera, omnia uident nitida.¹⁹⁸ Finita prima, finita secunda nocturna, perstat eadem serenitatis aura. Hinc pendentibus in defensione tua tandem alma Mildretha euigila. In tertia nocturna, dum euangelica lectio pronuntiatur, aer cum auditrice expergefata mouetur nimbique parturiens nubes pendula tela protenditur. Iam uero in duodecimo responsorio, ubi hoc uirgineae translationis miraculum cantabatur, 'Superna congratulantur, et Heliae inundatione terra exusta renouatur',¹⁹⁹ protinus aether imbribus irruit. Flumen dei repletum aquis desuper corruit grandique sonitu quasi diluuium sitientia arua infudit. Ipsos etiam insidiosos obseruatores uis pluuiæ indignata absternit et uelut Aegyptiaca grandine percussos²⁰⁰ de choro fratrum exturbauit sicque irreuocabiles eiecit ut in tota laudationum modulatione perdurans fluuiialis uastitas usque ad illius sinaxis finem regrediendi eis in chorum denegauerit facultatem. Iam uero coruscante die crastina cum serenitate hesterna, ipsi etiam hesterni calumniatores tam perspicuum se defendentis uirginis testimonium laude et admiratione attollunt dignissima dum etiam temerarie propositam iuuenis probationem, quæ forsitan non mereretur promissi signi responsionem,²⁰¹ euidentissimo prouentu uident declarasse ueritatem. Iusto quoque fauore approbant Augustinensium²⁰² sententiam, quod uere ipsi apud se requiescentem beatam possideant Mildretham, quæ etiam suo fluitanti testatori de temeritatis confusione tantam contulit gratiam.

197a Cf. Verg. *G.* 1.447, *A.* 4.585 and 9.460.

198 nitida *A.*

199 See n. 185 above.

200 Cf. Exod. 9:23-25.

201 quæ forstian ... responsionem *om. B.*

202 Augustinensium *B.*

INCIPIT VITA SANCTORUM AETHELREDI
ET AETHELBERTI MARTIRUM
ET SANCTARUM VIRGINUM MILTRUDIS
ET EDBURGIS IDUS DECEMBRIS

<i>

Erat quidam prediues rex nomine Ecbertus,¹ qui in regimine genti Anglorum prefuit, nobilis quidem genere set ignobilis, pro dolor, peccato. Hic itaque, antiqua diabolice fraudis inuidia suggestus, in patru sui filios manum inique pugne extendit et primam Christi persecucionem Herodiana calliditate innouauit, sperans puerum Christum cum iisdem simul peremisse ne postmodum in regni sui detrimentum creuisset.² Ita igitur rex prefatus innocentes tirones, sanctum uidelicet Adelredum atque Adelbertum, ne in regni sui suorumque natorum perniciem adolerent, fraude uersuta interimere decreuit.³ Quos quia nouerat iure regni gubernacula suscepturos, regi Christo domino, pro quo predicto passi sunt innocentes pueri, eciam nocenter innocentes mactauit dignosque dei martires effecit. ffuerunt namque et ipsi ex beate Edburgis⁴ gloriose uirginis prosapia, que tunc temporis deifica in diuinis laudibus habebatur, nepotes quidem eiusdem uenerande Edburgis. Ipsa autem extitit illis proauia et uite felicitis exemplum. Erat quoque iniquissimus regis eiusdem consiliarius et omnis doli consentaneus antiquo Anglorum uocabulo Thunor uocitatus.⁵ Hic ergo, quasi proditor turpissimus Iudas, qui agnum tradidit mitissimum Christum, simili ratione simulata amicitia et subdola tamdiu oscula inpressit⁶ quousque dei pueros morte mactauit amara.

1 Egbert of Kent ruled 664-673.

2 Mt 2:16.

3 Sts. Aethelbert and Aethelred were martyred about 670. Their feast day is 17 October. About the two saints and their sister Ermenburga (Domneva) see especially *De sanctis* 1.10-12 (Liebermann, p. 4); *Anglo-Saxon Chronicle* an. 640; Gocelin's *Vita s. Mildrethae* (forthcoming from D. W. Rollason), chap. 5 and lectio 2; *Liber vitae, Register and Martyrology of New Minster and Hyde Abbey Winchester*, ed. Walter de Gray Birch (London-Winchester, 1892), pp. 84-85. For other medieval sources on the martyred brothers and on their sister see Hardy, *Descriptive Catalogue* 1.1.263-64; Oswald Cockayne, *Leechdoms, Wortcunning, and Starcraft of Early England* (RS 35.3; London, 1866), pp. 401-402; Liebermann, pp. iv-v, ix; BHL, nos. 2641-44; Turner and Salter, *Register of St. Augustine's Abbey* 1. xxxix.

4 About Eadburga see n. 21 on *Libellus*. It would be a chronological wonder for Eadburga to have been an ancestor of the boys murdered about 670 (cf. chap. 1 below) and to have been an abbess of Thanet dying in 751.

5 Cf. *De sanctis* 1.11 (Liebermann, p. 4).

6 Cf. Mt 26:48-49, Mc 14:44-45, Lc 22:47-48.

< ii >

Quibus peremptis mox inepta parauit sepulcra. Nam furtim exanimes artus innocencium sub ipso sepeliuit aule regie triclinio,⁷ ubi talium tantorumque nulle colebantur exequie. Non laudum condigna cantica, non Dauitica decem cordarum psalmodia,⁸ non clara lampadum lumina, non Gregoriana pro interemptorum requie commendamina sed illicita ibi perstrepebant carnificum conuiuia. Dominus tamen, ut ait propheta, custodiuit omnia ossa eorum ne unum ex eis contereretur;⁹ et iusti, quamuis morte preoccuparentur iniqua, sepultura condirentur incongrua, refrigeria nichilominus possidebant eterna.¹⁰

< iii >

Nomen uero uillule illius, in qua id gestum esse narratur, Estria uocatur.¹¹ Bene Estria uocatur quasi Astria eo quod ab alto astrorum fastigio miri luminis splendor in ipsa uillula ad terram usque deductus est, significans quidem iustos ibidem esse occisos, quorum spiritus fulgebant sicut sol in regno patris eorum. Ipse procul dubio splendor, sicut sol in meridie, ita super summitatem regie aule, in qua beatorum corpora iacebant necgligenter humata, splendebat in media noctis¹² nigredine quatinus uera ueritatis sententia uere sermocinaretur dicens 'Nichil opertum quod non reueletur, nichilque¹³ tam absconditum quod non sciatur.'¹⁴

< iv >

Quod mirabile signum multi fidelium diu contemplantes, solliciti cogitare ceperunt quid noui miraculi quidue iudicii quid recens portentum prefiguraret exempli. Quo eciam signo ab ipso rege Ecberto per sedulum clamorem satellitum ac populorum conspecto, reminiscens ad ultimum criminis quod fecit, malum quod commisit condoluit; iram se superni iudicis incurrisse pertimuit.¹⁵ Anxius¹⁶ quoque nimium residebat. Quid ageret, cuius rectitudinis¹⁷ cuiusque penitudinis uiam arriperet curiose cogitauit.

7 triclinio C. See n. 5 above.

8 Ps 32:2.

9 Ps 33:21.

10 Sap 4:7.

11 See n. 5 above.

12 Cf. *De sanctis* 1.11 (Liebermann, p. 4).

13 nisque C.

14 Lc 12:2; cf. Mt 10:26.

15 Cf. *De sanctis* 1.11 (Liebermann, p. 4).

16 Auxius C.

17 rectitudinis: rec rectitudinem C.

< v >

Tunc demum dei nutu celeri destinacione misit et uocauit ad se Ermenbergam,¹⁸ alio nomine Domneuam uocatam,¹⁹ reginam uenerabilem, sororem uidelicet beatorum martirum, que se dudum a rege uiuente, scilicet marito suo, causa religionis seiunxit, et que commisit in fratribus ipsius homicidia confessus est. Huius igitur rei gracia tradidit illi iuris regii apud Tanetam insulam pro sanguine interfectorum octoginta aratorum iugera ut uel sic meste germane aliquo modo mesticiam mitigaret. Tunc uero uenerabilis regina Ermenberga, que et Domneua, accepto a rege iam dicto agellulo, fratrum scilicet suorum quasi sanguinis precio,²⁰ non terrena ambitione eui conspectibilis lucra sibi in eo cumulare desiderans set amatis fratribus, quibus regnum demptum est terrenum, eodem eorum precio adipisci uisa est regna superna angelorum.

< vi >

Inito quippe saluberimo concilio, basilicam in prefato condidit agellulo, regio eciam bene adiuta suffragio. Quam quoque conditam dei genitrici consecrauit Marie, et continuo consorcia digne deo famulancia aggregauit, eisque materno affectu in omnibus prefuit. Monastica parauit edifica, agros excoluit, diuersa iumentorum genera multiplicauit, destructa queque reparauit,²¹ omnibusque rite compositis, omnium dominorum domino dominoque seruientibus condonauit, ea scilicet ratione ut ibidem die noctuque summo regi suauius modulacione graciaram acciones redderentur in psalmis et ympnis et in omnibus spiritualibus canticis,^{21a} seduloque²² essent cantantes in cordibus suis domino, et ut preces ac hostie pro fidelium Christi Adelredi atque Adelberti animabus iugi oracionum instantia exhiberentur regi domino qui in altis habitat respiciens queque humilia in celo et in terra.^{22a}

< vii >

Habebat autem hec eadem regina filiam uenerandam ac religiosam nomine Miltrudem, que undique erat fimbris²³ aureis circumamicta, hoc est uarietate fidei

18 Ermanbergam C. See n. 3 above.

19 Cf. *De sanctis* 1.9 (Liebermann, p. 4).

20 Cf. *ibid.* 1.12 (Liebermann, p. 4).

21 raparauit C.

21a Colos 3:16.

22 seduloque: sedulo que C.

22a Ps 112:5.

23 fimbreis C.

roborata. Quam gloriosa genitrix ad Gallias usque destinavit ut ibi fame diuini uerbi et cultu sacro religionis imbueretur.²⁴ At illa mox, ut audiuit generosam genitricem se uoce prophetica commonere dicentem 'Audi, filia, et uide et inclina aurem tuam et obliuiscere populum tuum et domum patris tui'²⁵ et cetera, audiuit et uidit mente magis quam oculis corporeis, et aurem cordis ad religionis legem inclinavit obliuiscens quoque populum mundanis se pompantem adulacionibus, et terram²⁶ genitoris habitum domumque deseruit, atque ad eterni patris domum quamtocius properare desiderat quoniam rex concupiuit speciem suam.^{26a}

< viii >

Quapropter uirgo beata et immaculata Miltrudis uias domini ambulare²⁷ iam cepit ut scrutaretur testimonia eius et ex toto corde exquireret eum.²⁸ Et quoniam nouerat illum mandasse mandata eius nimis custodiri,^{28a} iccirco aptauit ut dirigerentur uie eius²⁹ ubi nichil audiret nisi sancta nichilque uideret nisi honesta quatinus non peccaret domino. Porro pius omnium iustarum inspector uoluntatum,^{29a} considerans famule sue uoluntatem, benedixit uias itineris illius et ad locum perduxit optatum ut eius reuelati sunt³⁰ oculi ab errore uniuerso ad considerata mirabilia³¹ de lege sua.^{31a} Virgo autem Christi, uim uirilium ingenii ibidem complectens, litterarum studiis insistebat, oracionibus uacabat, sanctitatum moribus inherebat, uenustatibus etiam omnium diuinorum incumberebat ornatuum.

< ix >

Postea unice enutrita ac bene in omnibus mandatis et iustificacionibus³² edocta, patriam, de qua egressa est, repedauit³³ inde reliquit sanctorum allatis,³⁴

24 Cf. *De sanctis* 1.13 (Liebermann, p. 6).

25 Ps 44:11.

26 terrem C.

26a Ps 44:12; Eccles 25:28. Cf. at n. 99a below.

27 Cf. Deut 11:22 and elsewhere in the Bible.

28 Ps 118:2.

28a Leuit 18:30, Deut 4:2 and elsewhere in the Bible.

29 Ps 5:9.

29a Cf. Pr 24:12.

30 sint *can be conjectured*.

31 mirabilia C.

31a Ps 118:18.

32 Lc 1:6.

33 Cf. *De sanctis* 1.14 (Liebermann, p. 6).

34 Cf. *ibid.* 1.13 (Liebermann, p. 6).

unde laudes semper illi et gracias referens qui uiam famule sue regredienti retribuit quique eam egredientem et regredientem ne confunderetur custodiuit. Ideoque se spopondit custodire sermones ipsius.^{34a} Aptatis igitur naualibus instrumentis et libratis sursum in aere uelis, uentis quoque prosperis, ueloci cursu aquas transiliuit marinas, et gaudens et exultans,³⁵ ad matrem iterum domino ducente peruenit. Maxime uero iam dicte uirginis uigor, postquam nota litora iterato reuisit, beate Edburgis, quantum estimatur a nobis, solidabatur hortatu uel exemplo, quoniam ipsa cum palma iusticie^{35a} germinauit sicut lilium, et in domo domini sicut cedrus Libani multiplicabitur ut floreret³⁶ ante dominum in eternum.

< x >

Non post multum autem tempus, beata et gloriosa uirgo Miltrudis, celesti sponso cupiens inherere et penitus ponere in domino deo spem suam³⁷ seque uni uiro uirginem castam exhibere Christo,³⁸ accepit a beato Theodoro, sancte Dorobernensis ecclesie archiepiscopo, sacri ordinis uelamen una cum aliis septuaginta uirginibus;³⁹ et ita se cum exultacione et leticia in templum regi domino offerebant⁴⁰ quatinus in nouissimo iudicii die non cum fatuis uirginibus, quarum lampades superna luce priuantur, set cum dei genitrice Maria uirginum uirgine prudentes uirgines adducerentur regi Christo et sapientes.⁴¹

< xi >

Post hec autem beate uiraginis Domneue uel Ermenburge⁴² instabat labentis seculi terminus et omnibus bene dispositis migravit ad Christum. Post decessum uero uenerande matris, beata uirgo Miltrudis in ouile dominici gregis cura pastoralis successit ut exemplo sanctitatis mater multarum existeret, que matrem domini saluatoris, uirginem in partu uirginemque post partum, exemplo sequebatur castitatis.

34a egredientem ... ipsius: Pss 120:8 and 118:17.

35 Isai 65:18.

35a Deut 25:1.

36 Cf. Os 14:6 and Ps 91:13, 14.

37 Pss 72:28, 77:7.

38 Cf. 2 Cor 11:2.

39 Cf. *De sanctis* 1.14 (Liebermann, p. 6).

40 Cf. Ps 44:16.

41 Cf. Mt 25:3-13.

42 uoraginis Domneue uel Ermanburge C.

< xii >

Non est enim nostre possibilitatis per multorum flaminum ambages enarrare qualem se sacra uirgo in dei obsequiis preparauit in assiduis leccionibus, in oracionibus continuis, in exhortacionibus sacris, in elemosinarum largicionibus, in psalmodiis Dauitidis, in ymnpnis spiritualibus, in uigiliis quoque et in ieiuniis, et in omnibus bonorum operum studiis. Preterea ab omnibus uicis uiciorum, quibus cursum suum impediri timebat, se prorsus abstinuit ut non corruptibilem coronam set ut perhennis uite perciperet brauium.⁴³ Tenerum corpus uirginalis castimonie castigauit et in Christi seruitutem secundum apostolum redegit ne forte, cum aliis uerbum uite intimaret, ipsa rebellis efficeretur et reprobata.⁴⁴

< xiii >⁴⁵

Respexit ergo dominus ancille sue humilitatem,⁴⁶ omnibusque pene circumquaque gentibus cuius meriti esset declarauit. Quodam itaque tempore, dum mens beate uirginis funditus fuisset in omnes iustificaciones domini intenta,⁴⁷ sedebat ad legendum sancti canonis librum sollicita. Et forte e flatibus uentorum uel quassancium ymbrium lumen legentis parthene extinctum est. Quod mox summi regis imperio in pristinum candorem reaccensum est ut scrutanti mandata dei⁴⁸ sui maiorem ministraret luminis claritatem. Ex hoc enim beatam illam⁴⁹ dixerunt omnes. Alio quoque tempore, cum uirgo dei casta mente oracioni incumbebat, subito de celo ueniens angelus domini in specie columbe, candidior niue,⁵⁰ in beate uirginis consedit capite, alisque suis candidis diu familiari dilectione caput illius collumque complexus est. Qui nimirum celestis sponsi nuncius uenit ut sponse Christi oracionem, pro sua suorumque omnium salute effusam, Christo domino presentaret. Quadam eciam nocte, dum uirgo beata se sopori dedisset, aderat ei iterum angelus preclarus domini, et castum corpus uirginalis pudicie et templum electe dei sedendo seruauit, atque preclaris eam micancium alarum umbraculis textit⁵¹ ne qua quiescentem fedaret antiqui hostis fantasia uirginem. O inmensa dei dileccio, O magna superni sponsi caritas, O ineffabilis

43 Cf. 1 Cor. 9:25 and 9:24.

44 1 Cor 9:27.

45 The stories about the candle and dove, reported in this chapter, are also told in *Vita s. Mildrethae*, chaps. 24 and 26 respectively.

46 Lc 1:48.

47 Lc 1:6.

48 Ps 118:115.

49 illum C.

50 Thren 4:7.

51 Cf. Ps 16:8.

clemencia dei: de astrigeris polorum arcibus⁵² sanctum angelum suum destinare dignata est ad casti cordis ac puri corporis custodem. Iure autem angeli castis Christicolarum corporibus custodes deputantur quia castitas sororum supernorum uocitata est angelorum. Omnibus itaque diebus felices sue uite hiis et huiusmodi uirgo dei bonum certamen certauit.⁵³ Cursum beate uite consummauit. ffidem sancte trinitatis seruauit. Ideoque iustus iudex, omnium certaminum pius remunerator, reposuit illi in celestibus coronam iusticie, quam reddet unicuique⁵⁴ persone pro spe salutis eterne certanti.⁵⁵ Porro beate Miltrudis dies aduocacionis et remuneracionis iminebat, et paulatim egritudine acta tercio idus Iulii⁵⁶ morte obiit temporali, tradens spiritum conditori domino, cui est honor et gloria in secula seculorum⁵⁷ amen.

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Post beate Miltrudis consummacionem et obitum beata uirgo Eadburgis orbatam matre familiam causa regiminis subintrauit⁵⁸ ne forte lupi rapaces⁵⁹ gregem dominicum crudeliter inuaderent et rabidis dentibus dilacerarent.⁶⁰ ffuit autem uirgo uenerabilis Eadburgis beate Miltrudis proauia, filia quidem Athelberti, primi regis catholice < legis > ^{60a} atque rectoris Anglice⁶¹ gentis, et Berte regine.⁶² Athelbertus quoque Anglorum uocabulo interpretatur nobile lumen. Berta uero, sancte uirginis genitrix, clara interpretatur uel serena. Que duo nomina feliciū parentum, in unum conglobata, unius significacionis unitatem efficiunt. Nichil ergo nobile lumen a clara luce neque clara lux a nobili lumine distat, set tales parentes eius congruis uocabulis ad hoc tantum deo predestinante copulati sunt coniugio ut uirgo ueneranda ex illis ad profectum multorum ederetur in mundo. Ex hac religiosorum parentum prosapia multi, quorum nunc nomina difficultas non sinit rimari per singula, ortus sui duxerunt originem, quorum tum omnium nomina in libro uite⁶³ scripta non dubitamus, quoniam hec erat generacio querencium semper faciem dei Iacob, ideoque benediccionem ac-

52 artibus C.

53 2 Tim 4:7.

54 uncuique C.

55 iustus ... certanti: 2 Tim 4:8.

56 i.e. 13 July.

57 secula C.

58 Cf. *De sanctis* 1.17 (Liebermann, p. 6).

59 Act 20:29.

60 Ierem 23:1.

60a Cf. *legis* as part of the quotation in *Libellus*, chap. 3.

61 angelice C.

62 Cf. *De sanctis* 1.2-3 (Liebermann, p. 2). See n. 26 on *Libellus*.

63 Cf. Ecclus 24:32 and elsewhere in the Bible.

ceperunt a domino et misericordiam a deo salutari suo.⁶⁴ Et quoniam in diebus suis tota cordis auditate operari iusticiam⁶⁵ studuerunt, iccirco montem domini, id est celi celsitudinem, ascendere meruerunt et stare in loco sancto eius,⁶⁶ ubi regis eterni gloriam faciemque domini dei uirtutem ac⁶⁷ magestatem contueri⁶⁸ per eterna secula mererentur.⁶⁹

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Cuius uocem beata uirgo Eadburgis, adhuc in terris posita, non surdis uanarum rerum auditibus audiuit,⁷⁰ set fidei sue soliditatem supra lapidem angularem,⁷¹ qui facit utraque unum, collocauit, templumque ipsius omnimodis effici studuit. Qui sub solercia receptaculi sui cuncta concludit, sicut idem alibi auditoribus suis ait: 'Templum domini sanctum,' quod estis uos,⁷² 'et nescitis quia corpora uestra templa sunt spiritus'⁷³ sancti.⁷⁴ Quin eciam uirgo uenerabilis aliud templum diuine reuerencie ac cultui materiali lapidum condicione condere curauit, in quo conditori domino uota fidelium redderentur et pro frequentantium populorum piaculo agnus, qui mundi peccata tollere uenit,⁷⁵ singulis illic libaretur diebus, in quo eciam templo neptis sue Miltrudis, sacrate uirginis exanimes decenter reconderet artus ut eius ibidem uirginitatis insignia per dierum longitudinem a fidelibus uenerarentur.⁷⁶

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Quod postea templum sacrum per exemplum uirgo fidelis uiribus anhelis ut mente tractauit, opere patrauit cum omni ornatu atque dedicatu. Hinc plebs agnouit quod pridem deuouit non credere uano in mentis archano hosti fallenti, set deo uiuenti dedicauit, cui corporis⁷⁷ sui nobile templum ob mundi ...⁷⁸ con-

64 Ps 23:6 and 23:5.

65 Eccles 20:30.

66 Ps 23:3.

67 at C.

68 Mt 24:30.

69 morentur C.

70 audiens C. Cf. Ps 37:13-14.

71 Isai 28:16, Iob 38:6, Ephes 2:20.

72 1 Cor 3:17.

73 spiritus: ipsius C.

74 1 Cor 6:19.

75 Io 1:29.

76 Cf. *De sanctis* 1.17 (Liebermann, p. 6).

77 corpori C.

78 I indicate a lacuna here. Probably a word like *salutem* should be supplied.

ceptum. Igitur postquam sanam sanctamque perfecerat uoluntatem, solerti studio meditari⁷⁹ non destitit qualiter digne deo dignissime uirginis corpus ad locum transferre potuisset preparatum ubi ipsa quoque exanimis diem cum pace prestolaretur extremum. Denique beate uirginis patefecerat tumulum et sublato operculo, ex hiatu sarcofagi, integrum corpus ac tocius lesionis immune uel eciam putredinis, quasi ipsa die depositum fuisset, inuenit. Tanta autem redolebat odoris suauitas⁸⁰ ac si omnium illic odoramentorum aromata succensa haberentur.

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In quo quidem corpore, dum mundi fluctibus undique contracteretur,^{80a} pauca⁸¹ contraxerat uicia et fere nulla, ideoque deo dicante post mortem est integrum redolensque repertum. Singulis enim diebus dum uiuit et odorem suauis incensi⁸² ad alta celorum prece penetrabili premisit orando, iugiter dictis Dauticis dicens: 'Dirigatur oratio mea sicut boni odoris incensum in conspectu tuo,⁸³ domine.' Oracionis uirtute ascendebat cotidie, fragili quamuis maneret in corpore, ut in Cantico Canticorum: 'Que est ista que ascendit per aerem⁸⁴ nubila sicut uirgula fumi ex aromatibus mirre et thuris?' Et iterum: 'Christi bonus odor sumus in omni loco.'⁸⁵

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Hiis ita gestis mixta gaudia inter exultantium et merencium uoces audita sunt; ymnpnis tamen diuinis et celebracionibus beate uirginis corpus a loco sepulcri tollentes, et in nouo condientes sarcofago, posuerunt in templo honorifice constructo ad plagam aquilonarem oratorii, ubi usque in presentem diem per oraciones eius et merita fiunt diuina misteria et miracula ad laudem et gloriam nominis eius qui unus in trinitate uiuit et dominatur deus per infinita seculorum secula amen. Adhuc autem⁸⁶ beata uirgo Eadburgis lassis lacertis quasi in mundi fluctibus nauigabat, set tamen⁸⁷ sub uirgineo corpore uiriliter agebat cor suum diuinis studiis confortans, sacris eloquiis animum oblectans, precibus deum

79 meditati C.

80 Leuit 4:31.

80a contrateretur C.

81 pauca: *twice* C.

82 Leuit 4:31.

83 Ps 140:2.

84 aer4 C. Cf. Cant 3:6.

85 2 Cor 2:15.

86 autem: añ (= ante) C.

87 tamen: *perh.* tū (= tum) C.

deprecans, oracionibus animam decorans, corpus elemosinis purgans, angelos sibi in adiutorium inuitans ut inter seculi huius fluctuagos turbines dominum conditorem omnium sustinere potuisset. Non enim spei sue uelum fragili suspendit in stipite set cursum in aera librauit⁸⁸ ad Christum ut anchoram sue fidei ternis sancte trinitatis funibus⁸⁹ firmiter innodauit. Vnde gaudens et exultans⁹⁰ ibat de uirtute in uirtutem⁹¹ ut unum omnium deorum se deum remunerantem uidere mereretur in Syon. Iamque uirgo beata, omnes mundi huius delicias uigili mente labiles caducasque esse conspiciens, homines quoque puluerem esse commemorans,⁹² nichilominus nichil apud seculum esse stabile nichilque in hominibus durable, omnia que uidentur transire, cuncta simul huius enim⁹³ gaudia cunctaque ornamenta, uelut lutum platearum⁹⁴ contempnebat: aurum uidelicet et argentum, nisi forte ad ecclesiastica ornamenta uel cetera diuina seruicia rede-gisset, sicut stercus despiciebat; similiter gemmas, margaritas, lapides preciosos, anulos armillas monilia crepundia uestes seruos, quoque et ancillas oues et boues equos et asinos iumenta et pecora agros et segetes prata et predia campos et siluas omnemque presentis seculi gloriam, quoniam que a solo deo est, gloriam toto corde querebat.

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Erat namque omnis gloria filie regis, uidelicet Eadburgis, abintus et non exterius quia fauorem humanum oleumque adulatorum, quod uirgines fatue amasse leguntur,^{94a} non amauit. De quo oleo propheta cecinit dicens 'Oleo autem peccatoris non impinguet caput meum magis.'⁹⁵ Virgo beata solui a seculo desiderabat et esse cum Christo, metuens apostoli sententiam dicentis 'Quam diu in corpore sumus, peregrinamur a deo.'⁹⁶ Post multorum uero annorum curricula postque uaria et innumera uersuti hostis deuicta temptamenta, uirgo gloriosa inuenta⁹⁷ est sine macula, quoniam, ut iam diximus, post aurum non abiit nec in thesauris pecunie sperauit⁹⁸ dicente domino 'Qualem te inuenio talem te

88 Cf. Ov. A. 2.6.11.

89 Eccles 4:12.

90 Isai 65:18, Mt 5:12, Apoc 19:7.

91 Ps 63:8.

92 commemorans: *twice C.*

93 eni *C.*

94 2 Reg 22:43.

94a Cf. Mt 25:1-12.

95 Ps 140:5.

96 2 Cor 5:6.

97 intenta *C.*

98 Ecclus 31:8.

recipio.⁹⁹ Iustus itaque remunerator dominus inuenit famulam suam dignis operibus inherentem et uocauit eam fame familiari ad superna polorum gaudia dicens 'Veni, electa mea, et ponam te in tronium meum, quoniam rex iusticie concupiuit speciem tuam.'^{99a} Veni, electa mea uirgo sapientissima; oleum tui luc-taminis et laboris in uase clare¹⁰⁰ lampadis tue reconde ut cum splendida luce bonorum operum tuorum uenienti domino saluatori occurrere possis, quoniam lucerna pedibus tuis erit uerbum domini¹⁰¹ et sponsus perhennis gaudii Christus lumen semitis tuis.¹⁰² Mox enim fine felici beatam uirginem mors preuenit temporalis, qua carnem, actenus anime sue cohabitatricem, idus deposuit Decembr.¹⁰³ spiritumque datori domino commendauit, qui cum eterno domino deo patre et spiritu sancto uiuit et regnat per eternorum secula seculorum amen.

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Elapsis autem aliquibus annis postquam beata uirgo Eadburgis e seculo migrauit, peccatis hominum facientibus destructum est templum illud in quo recondite fuerant reliquie uel sue uel neptis illius Miltrudis, irruentibus in illud gentilibus Danis uel semiChristianis et omnia loci illius partim ferro partim incendio atroci crudelitate demolientibus. Ex quo contigit ut nulle^{104a} sanctionialium feminarum, que olim cum beata Eadburge de insula Tanetos¹⁰⁵ propter hostilem seuciam aufugerant et sedem sibi in Limmingis statuerant, ibidem remanerent, set sicut inde ita hinc quoque omnes, siue sole seu turmatim, quocumque eas casus rapiebat, deuolarent. Remansit itaque locus ille tamdiu omni legitimo dominatore destitutus, templum patentibus tectis uentis atque imbribus obnoxium, muri domorum familiarium semiruti quousque hec in manus archiepiscoporum Cantuariensis ecclesie uenirent et sub eorum potestate, quamuis non in parem priori, in meliorem tamen posteriore formam transirent. Qui mox pro temporis oportunitate omnia renouantes ac renouata potenti uirtute sanctaque auctoritate tuentes templum quoque noua opertura contegunt, decenti ornatu decorant, ministris sacerdotibus dignantur quatinus omnipotenti domino ac dilectis sibi uirginibus Eadburge atque Miltrudi iugi deuocione seruiretur.

99 See Hans Walther, *Lateinische Sprichwörter und Sentenzen des Mittelalters* 1 (Göttingen, 1963), no. 2314a.

99a See n. 26a on *Vita ... Eadburgis*.

100 clara C.

101 Ps 118:105.

102 ibid.

103 i.e. 13 December.

104 *Libellus*, chap. 11 quotes at length statements that can be read in *Vita ... Eadburgis*, chap. 20.

104a mille C.

105 Tanatos C.

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Hoc ergo modo et hiis ministris deo et sanctis uirginibus in hoc loco seruitum est usque ad tempora uiri gloriosissimi Lanfranci archiepiscopi.¹⁰⁶ Cui dum persuasum fuisset a nonnullis bone religionis hominibus, immo a deo, cuius moderamine cor eius semper dirigebatur, dignum prorsus esse ut corpora uirginum supradictarum ad locum deferrentur celebriorem, ille data precepcione iussit ea de loco memorato tolli atque ad urbem Cantuariorum transferri. Cuius rei negocium uenerabilibus monachis Wydoni atque Gregorio iniunctum est et duobus presbiteris ecclesie beati Gregorii pape extra aquilonarem urbis portam site. Anno igitur ab incarnatione domini nostri Ihesu Christi millesimo octogesimo quinto, indicione octaua, regnante in Anglia uictorioso rege Willelmo,¹⁰⁷ presidente in magna gloria sancte Dorobernensis ecclesie uiro gloriosissimo ac per omnia sapientissimo Lanfranco archiepiscopo, eleuate sunt reliquie beatarum uirginum Miltrudis atque Eadburgis, ac de loco Lymminge¹⁰⁸ uocato,¹⁰⁹ ubi diu condite fuerant, cum magno prosequenti populi tripudio Cantuariam translate. Ad quarum ueneracionem Gundulphus, Rofensis episcopus,¹¹⁰ quemadmodum sibi a Lanfranco imperatum fuerat, occurrens in magna animi leticia easdem suscepit et in prefata ecclesia sancti Gregorii, quam Lanfrancus paulo ante ad pauperum solamen construxerat et rebus ecclesie Christi cui presidebat ditauerat, cum ymnpis et laudibus honorifice collocauit.¹¹¹ Explicit uita sancte Miltrudis uirginis.

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106 See n. 13 on *Libellus*.

107 William the Conqueror ruled England 1066-1087.

108 Lynminge C.

109 uocato: *after* condite C (*order corr. C*¹).

110 Gundulf was bishop of Rochester 1077-1108.

111 Anno ... collocauit: cf. *Libellus*, chap. 11 and see n. 79 on *Libellus*.

ANOTHER DOMESDAY TEXT

John F. R. Walmsley

STUDENTS of late eleventh-century English administrative history in general and of Domesday matters in particular can feel greatly indebted to Dr. S. Harvey for the new approach she has made possible to the problem of the making of Domesday Book.¹ Basically, Miss Harvey argues that the Round and Galbraith theories are far too complicated and unrealistic, and that the obvious has escaped us — that Domesday Book may well have been based, at least in part, on 'ordinary administrative documents in current use',² that tenurially arranged hidage lists of one sort or another existed in the Edwardian and post-Edwardian era and would have been the most obvious and sensible starting-point for the speedy compilation of 1085-6. Dr. E. J. King goes so far as to say that 'Dr. Harvey's recent article moves some of the debate onto new and firmer ground.'³ This may be so, but even Miss Harvey would recognise that her theory, which is based, among other things, on a number of scattered pre-Domesday texts and a fairly literal interpretation of the Anglo-Saxon Chronicle annal for 1085, simply replaces one vast amount of unrecorded effort and documentation for another. We should still be speaking largely of the use of a mass of centralised documents, perhaps in book form, which have not survived. The value of Harvey's work, apart from offering an extremely plausible alternative to Round's headquarter theory and Galbraith's recensionist theory, is that scholars will be forced to look again and look hard at the little 'Domesday' scraps and lists to be found in later cartularies, charters, and other miscellaneous documents.⁴

1 S. Harvey, 'Domesday Book and Its Predecessors', *English Historical Review* 86 (1971) 753-73.

2 *ibid.*, 755.

3 E. J. King, 'Domesday Studies', *History* 58 (1973) 406.

4 J. H. Round, *Feudal England*, 2nd ed. (London, 1964) and V. H. Galbraith, *The Making of Domesday Book* (Oxford, 1961). Round's view that Domesday Book was assembled at Winchester from a mass of 'original returns' and Galbraith's view that it was the product of several successive drafts, or recensions, are usefully summarised in Galbraith, chaps. 2 and 3, entitled 'The Old Hypothesis' and 'The New Hypothesis'. Five of the principal, but misleadingly titled, 'Satellite Surveys' are discussed in Galbraith, *Domesday Book: Its Place in Administrative History* (Oxford, 1974), chap. 5.

One list of this kind is incorporated in a little known fragment of a roll belonging to Burton Abbey in Staffordshire. It is described rather ingenuously in I. H. Jeayes's *Descriptive Catalogue of the Charters and Muniments Belonging to the Marquis of Anglesey* as 'Particulars of lands, etc. ... taken from the king's book, *sc.* Domesday Book.'⁵ Jeayes may well have thought this an appropriate description of all the roll's contents or he may simply have followed the modern title attached to the document: 'Account of the Lands, etc., belonging to the Monastery of Burton from the King's Book.' The point is that both these descriptions are incomplete and inaccurate. This document, Anglesey 1925, does indeed contain material with Domesday connections, but the greater part of the roll's contents appears to be a contemporary version of the earlier of the two Burton Abbey twelfth-century surveys, *i.e.* survey B of 1114.⁶ It is proposed here to look at the significance of both the 'Domesday' and the survey material.

The roll fragment appears to be only a small portion of the original document. It measures 5 × 71.5 cm., made up of three uneven overlapping pieces of vellum, 2, 40 and 32 cm. long. These have been sewn together and display some neat cross-stitching. Although there are at least five different hands involved in the MS., the script as a whole is fairly neat and uniform. The exceptions are a few clumsy interlineations, the last five lines of the survey of Stretton near Burton (from *Tovi surdus .i. domum*), and the last nine lines of the survey of Wetmore (from *Fullo .i. domum pro .xii. d.*).⁷ The extremely functional appearance of the roll's survey contents, with its many erasures, cancellations and interlineations, and changes of hand, suggest that this was the original survey of 1114, from which the more streamlined product in the Burton Cartulary was derived.

The 'Domesday' material lies between the survey entries for Wolston (Warwickshire) and Cauldwell (Derbyshire) and appears to have been copied down at about the same time as the survey, but there is no way of telling whether this was done before or after the survey material was entered. Now this 'Domesday' section is headed 'SCRIPTURA SICUT CONTINETUR IN LIBRO REGIS', and one could be forgiven for assuming it to be yet another of those 'many local versions and extracts' drawn from the Exchequer text.⁸ On closer examination it ap-

⁵ *S[taffordshire] H[istorical] C[ollections]* (1937), 192, doc. 1925. Hereafter referred to as Anglesey 1925.

⁶ C. G. O. Bridgeman, 'The Burton Abbey Twelfth Century Surveys', *SHC* (1916) 209-300, includes a full transcript of this survey and survey A of c. 1126 in parallel (212-247). Both surveys are incorporated in the thirteenth-century Burton Cartulary (British Library MS. Loan No. 30, fols. 28-36).

⁷ The five identifiable hands are (a) Stretton-on-Dunsmore; (b) Wolston, Cauldwell, and the principal sections of Stretton near Burton and Wetmore; (c) the 'Domesday' section; (d) the additions to Stretton and Wetmore; and (e) Okeover and Ilam.

⁸ Harvey, 'Domesday Book', 753.

pears to be much more than this. In terms of language and in terms of content this extract is certainly not 'sicut continetur in libro regis', if Domesday is the book in question. Of course, there are important similarities between Domesday Book's entries for Burton Abbey in the Staffordshire, Derbyshire and Warwickshire folios and the composite summary of the roll fragment.⁹ The order of manors, for example, is identical, as are the hidage assessments for the Staffordshire and Warwickshire estates, the carucage for the Derbyshire estates, and the ploughland figures. The values, however, are not the same nor are they all expressed in the same terms, as the following table shows:

<i>Manor</i>	<i>Domesday Book Value</i>	<i>Roll Value</i>
Darlaston	27s.2d.(T.R.E.30s., Interim 10s.)	30s.
Whiston	4s.	5s.
Bedinton	7s.4d.(T.R.E.13s.)	10s.
Appleby, Winshall and Stapenhill	60s.	£3

Although it is not possible to assign a precise date to the source of the roll's information, it is notable that in the case of Darlaston it gives the Domesday T.R.E. value of 30s. and in the case of Bedinton a value that falls between the T.R.E. and 1086 assessments. As with the better known pre-Domesday text, Evesham 'A', and several of the Domesday predecessors cited by Harvey, Anglesey 1925 limits its attention to the hidage (or carucage) assessments, ploughlands and values, and omits the more detailed manorial data of Domesday Book relating to demesne, villeinage, population, meadow, woodland, livestock, and the like.¹⁰

There are then hints of pre-Domesday origins for Anglesey 1925, and certainly origins independent of Domesday Book. Four similar Burton 'Domesday' summaries help to take the argument a stage further. Anglesey 1, which is well known for its earliest copy of Wulfric Spot's will,¹¹ also contains a Domesday-like summary of the Burton Abbey estates which closely resembles the list in Anglesey 1925. For example, it records the aberrant values for Darlaston, Whiston and Bedinton. But there are two major differences between Anglesey 1 and Anglesey 1925; the former omits the geld and ploughland figures for Appleby and it has a very different introduction. Indeed, the variety in the form

⁹ Domesday Book 1, fols. 239a, 247b, 273a, and 280a.

¹⁰ P. H. Sawyer, 'Evesham A, a Domesday Text', *Miscellany I* (Worcester Historical Society, 1960), pp. 3-36. Sawyer's arguments are summarised in Galbraith, *Domesday Book*, pp. 84-88.

¹¹ *SHC* (1937), doc. 1. It is reproduced in facsimile in W. B. Sanders, *Facsimiles of Anglo-Saxon Manuscripts* (Ordnance Survey, Southampton, 1884), part 3. The most recent printed edition is by D. Whitelock in *Anglo-Saxon Wills* (Cambridge, 1930), no. 17.

taken by the introduction and initial entry for Burton in these two documents, in two cartularies belonging to Burton Abbey and in Domesday Book itself is instructive:

Anglesey 1925:	SCRIPTURA SICUT CONTINETUR IN LIBRO REGIS. Ecclesia SANCTE MARIE DE BERTONE IN STAD- FORDSCIRE. In ipsa villa BERTONE habet unam hidam et dimidiam. Terra est .ii. carrucis. Valet .lxx. solidos.
Anglesey 1:	ECCLESIA SANCTE MARIE DE BIRTONE ¹² IN STADFORDSCIRE. In ipsa villa habet unam hidam et dimidiam. Terra .ii. carrucis. Valet .lxx. solidos.
Domesday Book:	TERRA SANCTAE MARIAE DE BERTONE. ABBATIA SANCTE MARIE de Bertone tenet in villa Stadford ¹³ unam hidam et dimidiam. Terra est .ii. carrucis T.R.E. valebat .lx. solidos. Modo .lxx. solidos.
Burton Cartulary, fol. 10r:	Sic continetur super Domusday apud Wintoniam. Ecclesia sancte marie de Burtone in Staffordsire. In ipsa villa habet unam hidam et dimidiam. Terra est .ii. carrucis. Valet .xl. ¹⁴ solidos.
Burton Cartulary, fol. 36v:	Ecclesia sancte marie de Burtona in Staffordscira. In ipsa villa Burtone habet unam hidam et dimidiam. Terra est .ii. carrucis. Valet .lxx. solidos.
Peniarth Cartulary, ¹⁵ p. 362:	Ecclesia sancte marie de Burthune in Staffordscire. Sic scribitur in Domusday. In ipsa villa habet unam hidam et dimidiam. Terra est .ii. carrucis. Valet .lxx. solidos.

It is quite clear that not only is the roll fragment (Anglesey 1925) not dependent on Domesday Book, but also that Anglesey 1 and Anglesey 1925 resemble each other more closely than they resemble Domesday. It is equally clear that none of the cartulary versions comes from Domesday Book, notwithstanding their in-cipits. If none of these Burton 'Domesday' texts is from Domesday Book, even though the order of manors in each is identical (as is most of the information

12 This might have read *BERTONE*, as in Anglesey 1925. The MS. is in poor condition.

13 Domesday's mistake in recording Stafford here instead of Burton has not been explained satisfactorily, if indeed there is an explanation other than a scribal error. However, if a Domesday scribe used a source similar to that on which Anglesey 1 and Anglesey 1925 were based, i.e. with 'Staffordscire' as the last proper name before the details of *ipsa villa*, Stafford would have been a reasonable guess as to the name of the manor in question.

14 40s. is clearly a mistake. All the other versions have 70s., while Domesday also gives a T.R.E. value of 60s.

15 Aberystwyth, National Library of Wales MS. Peniarth 390.

too), it would follow that they, and indeed the outline of the Domesday text itself, are dependent on another list, another *liber regis*.¹⁶

Despite this argument for the existence of a source unknown on which Domesday Book and these other lists, including the roll fragment, depended, it is virtually impossible to say with certainty whether the roll fragment was pre- or post-Domesday. If it was a predecessor — and this might be suggested by the values of Darlaston and Bedinton — then it could not have been much earlier than Domesday Book, since the roll shows the Burton Abbey estates at their fullest extent with the acquisitions of Mickleover and Cauldwell, both gifts of the Conqueror and probably donated after the ravages in this area in 1069-70.¹⁷

The bulk of the roll fragment, however, has nothing to do with Domesday Book, and is in some respects more interesting and certainly of less doubtful origin than the enigmatic 'Domesday' section. It represents a draft version, and probably the working copy of the earlier of the two Burton Abbey twelfth-century surveys, which hitherto have only been available in their thirteenth-century form in the Burton Cartulary. Unfortunately, only seven of Burton's twenty-six estates are represented in the fragment: Stretton-on-Dunsmore and Wolston in Warwickshire, Cauldwell in Derbyshire, and Stretton near Burton (about half the entry), Wetmore, Okeover and Ilam in Staffordshire.

There can be no doubt that the roll's survey antedates the cartulary survey B and that the latter was derived from the former. With one exception, all the superinscriptions and interlineations of the roll have been incorporated in the main text of survey B.¹⁸ For example, Turchill, a rentpayer (*censarius*) of Cauldwell in survey B, appears above the cancelled name 'Colb'nus' in the roll. Similarly, Uluric, a two-bovater of Wetmore in survey B, originally appeared as Tracemusca in the roll.¹⁹ The number of demesne oxen at Wetmore was altered in the roll from eight to sixteen, but only the latter number reached the final version of the survey. There are other indications too that the roll was used in a very positive and constructive way in the compiling of survey B (or rather the version of it copied by the cartulary scribe). The roll's comment that William of Rolleston's half hide in Wetmore should be quit of geld ('Willelmus de Roestuna tenet dimidiam hidam pro .vi. solidis quam non adquietat de gildo regis sed oportet abbatem adquietare eam de suo') had been taken into consideration by the

16 Harvey, 'Domesday Book', 766.

17 *Annales monasterii Burtonensis* in *Annales monastici*, ed. H. R. Luard (RS 36.1; London, 1864), p. 185, *sub anno* 1087, and Domesday Book 1, fol. 273a.

18 The one exception concerns Ailward *cados* of Wetmore, whose rent of 14d. was altered to 8d. The earlier rent is retained in the cartulary version. See n. 49 to printed text.

19 In fact, Tracemusca (cancelled) also appears in survey B, but this is not noted by Bridgeman (n. 6 above), 221.

time of survey B ('Willelmus de Roluestona tenet dimidiam hidam pro .vi. solidis quam adquietat de gildo Regis').²⁰ The compiler of the survey also made a few corrections, most of them orthographic and grammatical: *de his* to *de hiis*, *hi duo* to *hii duo*, *terra coscetorum* to *terra cotsetorum*, *tres sunt cotseti* to *tres cotseti sunt*, *molendina .ii.* to *.ii. molendina*, and *virgate .xvi.* to *.xvi. virgate*. The rather clumsy expression *Molendinum hic est valens .iiii. s.* (Ilam) was altered to *Molendinum valet .iiii. s.*, and the roll's omission of *ad festum* before *omnium sanctorum* (Cauldwell) was made good in survey B. There are also significant changes in the forms of place names and personal names in the roll and the cartulary. These amount to a greater Anglo-Norman influence in the cartulary survey compared with the roll's version, and the appearance of more familiar spellings, especially of place names. The Old English 'au' is altered to the Anglo-Norman 'ow' in Horninglow, the Old English 'hi' to the Anglo-Norman 'y' in Ylum, and the Anglo-Norman tendency to unvoice 's' and 'd' before consonants is seen in the changes *Gausfridus* to *Gaufridus* (Stretton-on-Dunsmore) and *Frodmundus* to *Fromundus* (Wetmore).²¹ There is, of course, no way of telling with these or the other changes how many have been slipped in by the thirteenth-century cartulary scribe. However, with its numerous alterations and interpolations,²² the roll has all the appearances of a working document, whose information was later put into the more orderly and systematic survey B.

Eventually one is led to ask the question why a Domesday-like summary and a more detailed manorial survey should be found together in this way. Perhaps we have here a modest response to King's recent plea that 'Students and teachers are looking for texts and topics which will bring some life to eleventh-century society and eleventh-century government.'²³ Here in one relatively unknown document (at least in terms of its actual contents) it is possible to raise a number of important issues. Apart from those arising from Harvey's thesis on the making of Domesday Book, there is another suggested by King. He talks of the possible connection between the Conquest which 'must have been the biggest threat to their [the monasteries'] position between their foundation and the Dissolution' and the emergence of 'a number of estate surveys [that] survive from the early years of the twelfth century.'²⁴ In effect do we not have in Anglesey 1925 a twelfth-century miniature of the Domesday procedure, as suggested by Miss Harvey: an official hidage assessment list, which we have argued was probably not

²⁰ *ibid.*, 221.

²¹ O. von Feilitzen, *The Pre-Conquest Personal Names of Domesday Book* (Uppsala, 1937), pp. 9, 66, 99, 106-107, and *passim*.

²² There are more than sixty points of difference between the roll and survey B.

²³ King, 'Domesday Studies', 409.

²⁴ *ibid.*, 408.

from Domesday Book but from some other *liber regis*, accompanied by a more detailed internal survey, or *descriptio*, of the Burton Abbey estates?

ANGLESEY 1925

In this edition of Anglesey 1925 the interlineations and superinscriptions of the roll's survey contents are indicated by square brackets, while the regular parentheses indicate my expansions. All the interlineations except one (see n. 49) were incorporated into the main text of the cartulary version of survey B. The underlining has been retained as in the MS., since its significance is not always clear. Sometimes the underlining seems to indicate cancellation, as with *similiter* (twice) in the entry for Wolston; elsewhere it seems to mark a point of emphasis or special note, as with the name Aschetil under Stretton near Burton, presumably to remind the copyist to include the superinscribed *de castello*. Indeed, a confusion of the two meanings may have occurred towards the end of the entry for Wetmore in survey B. The roll's underlined phrase *Elmer filius Allici .ii. bouatas pro .iii. solidis usque ad annos .iiii.* was probably an intended cancellation. The compiler of survey B copied half the entry, omitting the term of years, and then cancelled what he had written. Although the punctuation has been modernised, the original spellings and capitalisation of place and personal names have been maintained. The footnotes to the text mainly indicate the differences between the roll's survey and the later cartulary version.

recto

Stretton-on-Dunsmore and Wolston

In stratona habem(us) de alano .iiii. b(ouatas) de inl(anda), id (est) .lxv. ac(ra)s. De his¹ h(abe)t Gaufrid(us) dapifer .xl. ac(ra)s p(ro) .iii. sol(idos) 7 hadewi villan(us) n(oste)r .xxv. ac(ra)s [p(ro) .iii. horis].² Ite(m) in Vlurichestona³ habebat [N(igellus) abbas] *similit(er)*⁴ .i. carr(ucatam) inlande 7 unu(m) villanu(m) 7 duos bordarios, que o(mn)ia abstulit eccl(esi)e *similit(er)*⁴ p(ost) morte(m) ei(us) Gausfrid(us)⁵ de glintonia.⁶

1 survey B: De hiis.

2 The text is uncertain here. I have followed the Burton Cartulary and Bridgeman's edition of it (p. 247) in accepting the reading of *pro .iii. horis*, i.e. a rent of three *ora*. The *ora* of 16d. was a monetary unit of Scandinavian origin.

3 survey B: Wlfrichestona.

4 Omitted from survey B.

5 survey B: Gaufridus.

6 *ibid.*: Glintona. Summa est.

'Domesday' Section

SCRIPT(UR)A SIC(UT) CONTINET(UR) IN LIBRO REGIS

- Eccl(esi)a S(AN)C(T)E MARIE DE BERTONE IN STADFORDSCIRE. In ipsa villa BERTONE habet una(m) hida(m) 7 dimidia(m). T(er)ra e(st) .ii. carr(ucis). Val(et) .lxx. sol(idos).
- In BRANTESTONE tenet .i. hid(am) et dimid(iam). T(er)ra .v. carr(ucis). Val(et) .xl. sol(idos).
- In Witmere cu(m) appendiciis .i. hid(am) 7 dimid(iam). T(er)ra .vii. carr(ucis). Val(et) .l. sol(idos).
- In STRATONE una hid(a) & dimid(ia). T(er)ra .ii. carr(ucis). Val(et) .xl. sol(idos).
- In BRVNLEGE cu(m) appendiciis dimid(ia) hida. T(er)ra e(st) .i. carr(uca). Val(et) .xx. sol(idos).
- In DERLAVESTONE .iii. virgate t(er)re. T(er)ra e(st) .ii. carr(ucis). Val(et) .xxx. sol(idos).
- In LEGE .iii. virgate t(er)re. T(er)ra e(st) .iii. carr(ucis). Val(et) .xl. sol(idos).
- In ACOVERE cu(m) appendiciis .iii. virg(ate) t(er)re. T(er)ra .ii. carr(ucis). Val(et) .xx. sol(idos).
- In Witestone una hida. T(er)ra .i. carr(uca). Val(et) .v. sol(idos).
- In Bedintone dimidia hida. T(er)ra .ii. carr(ucis). Val(et) .x. sol(idos).
- In DERBY habet eccl(esi)a de BERTONE unu(m) molendinu(m) 7 una(m) masura(m) lib(er)am 7 alias duas, de quib(us) rex habet socam.
- In VFRE .x. carrucate t(er)re cu(m) appendiciis. T(er)ra .xv. carr(ucis). Val(et) .x. lib(ras).
- Ad soca(m) ipsius manerii p(er)tin(ent) .vi. car(rucate) t(er)re 7 .ii. bouate.
- In APLEBY .v. carrucate t(er)re. T(er)ra .v. car(rucis). Val(et) .iii. lib(ras).
- In Wineshyll .ii. car(rucate) t(er)re. T(er)ra .iii. car(rucis). Val(et) .iii. lib(ras).
- In COTES .ii. carr(ucate) t(er)re. T(er)ra .iii. car(rucis). Val(et) .xxx. sol(idos).
- In STAPENHELLE .iiii. car(rucate) t(er)re 7 .ii. bouate. T(er)ra .iiii. car(rucis). Val(et) .iii. lib(ras).
- In CALDEWELLE .ii. carrucate t(er)re. T(er)ra .ii. car(rucis). Val(et) .xx. sol(idos).
- In Tichenhalle .v. bouate t(er)re 7 t(er)tia(m) parte(m) uni(us) bouate. Val(et) .x. sol(idos).
- Caldewelle ded(it) rex W(illelmus) monachis p(ro) beneficio suo.
- In WarWICESCIRA. ALDVLVESTREV .ii. hid(e) 7 dimid(ia). T(er)ra .iiii. car(rucis). Val(et) .xxx. sol(idos).

Caldwell

Caldewella se defend(it)⁷ p(ro) .ii. carr(ucatis). Hic (est) tantu(m) inlande ubi poss(un)t e(ss)e .ii. arat(ra), id (est) .viii. virg(ate). Terra ho(min)um (est) virg(ate) .xvi.⁸ Villani s(un)t Vlmer(us), Aluric(us), alt(er) Aluricus, Alwin(us), alt(er) Alwin(us), Vluric(us), Ordric(us). Quis(que) ten(et) .i. virg(atam) 7 op(er)at(ur) .ii. dieb(us), 7 bis in anno p(re)stat aratru(m),⁹ 7 p(re)t(er) h(oc) arat in quadragesima dimid(iam) acra(m) 7 in aug(usto) invenit .i. ho(min)em ad secandu(m) .ii. dieb(us), 7 t(er)cio tota(m) famil(iam) ad cibo(m) d(omi)ni, 7 ad natale dat .ii. gallinas, 7 fac(it) .i. sest(arium) brasii,¹⁰ 7 a pent(ecosta) usq(ue)¹¹ om(n)ium s(an)c(t)o(rum) mittit a(nim)alia in falda(m) dominica(m). Bruma-n(us) 7 Godwin(us) .i. virg(atam) 7 faciunt similit(er). Elricus dimid(iam) virg(a-tam) 7 fac(it) iuxta p(re)dictas c(on)suetudines. Isti o(mne)s simul inveniunt .i. equu(m) ad Londoniam,¹² 7 auras ubic(um)q(ue) iubent(ur) ad portandu(m) ci-bu(m) d(omi)ni. Censarii s(un)t Elwin(us) diacon(us) .i. virg(atam) p(ro) .ii. sol(idis). Colb'nus [Turchill(us)]¹³ simil(iter). Gamal(us) dimid(iam) virg(atam) p(ro) .xii. d(enariis). Isti debent p(re)stare arat(ra) sua bis in anno 7 in aug(usto) secare sic(ut) p(re)dictu(m) est. Elwin(us) h(abe)t .ii. virg(atas) 7 dimid(iam), q(ua)s dedit ei hugo cu(m) filia sua. Vasta t(er)ra est .i.¹⁴

verso

*Stretton near Burton*¹⁵

Edricus .iiii. bou(atas) de inlanda p(ro) .x. sol(idis) 7 deb(et) abb(at)i [de inlanda] gildu(m) regis 7 [.i.] .iii. p(er)ticas ad curia(m) 7 .iiii. ad lucu(m) cu(m) sup(ra)dictis c(on)suetudinib(us). Stenchete¹⁶ ho(mo) Ormi de acoura¹⁷ .iiii. bou(atas) de warlanda 7 .ii. de¹⁸ inlanda p(ro) .vi. sol(idis) 7 debet .vi. p(er)ticas ad curia(m) 7 .vi. ad lucu(m) 7 cet(er)as p(re)dicto(rum) c(on)suetudines. Ed-win(us) ten(et) molend(ina) .ii.¹⁹ p(ro) .xxv. sol(idis) 7 salmone usq(ue) ad .iii.

7 *ibid.*: deffendit.

8 *ibid.*: .xvi. virgate.

9 *ibid.*: aratrum suum.

10 *ibid.*: sextarium brasii.

11 *ibid.*: usque ad festum.

12 *ibid.*: Lond'.

13 Turchil is preferred to 'Colb'nus' in Survey B.

14 survey B: Wasta terra est .ii. virgate et dimidia.

15 The first half of the survey of Stretton is missing. A clumsy hand has inserted the phrase, *Ilanda et gildum regis*, before the entry concerning Edric.

16 survey B: Steinchete.

17 *ibid.*: Acoure.

18 *ibid.*: de de (*sic*) inlanda.

19 *ibid.*: .ii. molendina.

annos, [7 postea p(ro) .xxx. sol(idis)]. Vasta t(er)ra (est) masure .iiii., id (est) .viii. b(ouate). De his²⁰ h(abe)t *Aschetill(us)* [de castello] .ii. b(ouatas) p(ro) .ii. sol(idis). Quatuor bovarii in stratonā: Lewin(us) Wite, Walt(er)i(us), Alui,²¹ Elric(us), 7 un(us) in Wismera,²² Leuric(us).²³ q(ui)sq(ue) h(abe)t .ii. bou(atas) 7 .iiii. ac(ra)s seminatās p(ro) officio suo 7 uxores eo(rum) op(er)ant(ur) .i. die. Ac(ra)s aut(em) debent redd(er)e seminatās q(ua)n(do) deserent boues. [Ailmund(us)²⁴ fab(er) .ii. b(ouatas) p(ro) .xvi. d(enariis)] [Brand .ii. b(ouatas) p(ro) .xxxii. d(enariis)].²⁵ Tovi surd(us) .i. domu(m) 7 .i.^{am} ac(ram) p(ra)ti 7 .i.^{am} agri p(ro) .xii. d(enariis). Algar .ii. b(ouatas) p(ro) .ii. sol(idis). Hugo Magn(us) .vi. b(ouatas) p(ro) .viii. sol(idis). Edric forester(ius) .ii. b(ouatas) p(ro) .iii. sol(idis).²⁶

Wetmore

Horlingelau

In Wismera²⁷ (est) tantu(m) inlande ubi poss(un)t e(ss)e arat(ra) .iii.^a N(un)c s(un)t .ii. de [.xvi.]²⁸ bob(us). Vacce .xxii. Taur(us) .i. Vituli .xiii. A(nim)alia otiosa²⁹ .x. T(er)ra ho(min)um se defend(it) p(ro) hida 7 dimid(ia). Villani s(un)t *Ailmar(us)*, *Gladuin(us)*, *Almar(us)*, *Edric(us)*, *Alwin(us)*,³⁰ *Alward(us)*, *Godwin(us)*, *Leuric(us)*³¹ *bouari(us)*. Q(ui)sq(ue) ten(et) .ii. bou(atas) 7 op(er)atur .ii. dieb(us) & faciunt o(mne)s c(on)suetudines q(ua)s villani de bortonā,³² n(isi) q(ua) n(on) dant d(enarios) p(ro)pt(er) q(ua)drigas in lucu(m) euntes. Ite(m) Godric(us) h(abe)t .ii. bou(atas) de t(er)ra cosceto(rum)³³ 7 fac(it) similit(er). Soen(us) [hachepin] .i. bou(atam) de t(er)ra cosceto(rum),³³ 7 op(er)at(ur) .i. die, 7 fac(it) cet(er)as c(on)suetudines. Sewi bouari(us) .i. bou(atam) de t(er)ra cosceto(rum),³³ 7 similit(er) fac(it). Gildu(m) reg(is) de hac t(er)ra cosceto(rum),³³ quic(um)q(ue) ea(m) h(abe)at, siue villan(us) siue censarius,

20 *ibid.*: hiis.

21 *ibid.*: Alwi.

22 *ibid.*: Wismere.

23 *ibid.*: scilicet Leuericus.

24 *ibid.*: Eilmundus.

25 Although the suprascript details of Ailmund and Brand come a little earlier in the text, having the effect of breaking up the obligations of the *bovarii*, here they are kept in the place assigned them in the Burton Cartulary.

26 Survey B adds 'in Horling', but this may have resulted from a misreading of the roll, which appears to have a paragraph marking followed by 'Horlingelau' (Horninglow) as a heading to the next section. In fact survey A of c. 1126-7 entitles the Wetmore section 'Withmere Horninglow'.

27 survey B: Withmere.

28 Interlineated above .viii.d.

29 survey B: ociosa.

30 Survey B adds another Edric after the name Alwin.

31 survey B: Leuericus.

32 *ibid.*: Burtona.

33 *ibid.*: cotsetorum.

deb(et) ire in marsupiu(m) abb(at)is, in q(ua) t(er)ra s(un)t .xii. bouate. Censarii s(un)t isti: Frodmundus³⁴ ten(et) .iiii. bou(atas) de t(er)ra cosceto(rum)³³ p(ro) .iiii. sol(idis) & p(ro) servitio³⁵ corporis sui 7 deb(et) dare abb(at)i gildu(m) regiu(m). *Willelm(us) de sobeala*³⁶ .i. bou(atam) de t(er)ra cosceto(rum)³³ p(ro) .xii. d(enariis), 7 similit(er) gildat abb(at)i 7 deb(et) ire ubic(um)q(ue) p(re)cipit(ur), u(e)l cu(m) abb(at)e u(e)l sine abb(at)e. Leupsi³⁷ .ii. bou(atas) de t(er)ra cosceto(rum)³³ p(ro) .ii. sol(idis) 7 dat abb(at)i similit(er) gildu(m) regiu(m). *Godric(us) colebras* .ii. bou(atas) de t(er)ra cosceto(rum)³³ p(ro) .iii. sol(idis) 7 dat abb(at)i gildu(m) reg(is) 7 deb(et) .ii. p(er)ticas ad curia(m) 7 .ii. ad lucu(m), 7 bis in anno p(re)stare aratru(m) suu(m) 7 t(er) in aug(usto) secare cu(m) o(mn)ib(us) suis. Ite(m) Vluric(us) de horlingelau³⁸ h(abe)t de warlanda .iiii. bou(atas) p(ro) .iiii. sol(idis) 7 deb(et) .iiii. p(er)ticas ad curia(m) 7 .iiii. ad lucu(m), 7 bis in anno p(re)stare aratru(m) 7 t(er) in aug(usto) secare cu(m) suis,³⁹ 7 p(re)t(er) hoc ire ubic(um)q(ue) p(re)ceptu(m) fuerit, u(e)l cu(m) abb(at)e u(e)l sine abb(at)e. Godric(us) fr(ater) ei(us) .ii. bou(atas) de inlanda 7 .ii. de warlanda p(ro) .iiii. sol(idis) 7 deb(et) fac(er)e o(mn)ino similit(er), 7 p(re)t(er) h(oc) dare abb(at)i gildu(m) regis de duab(us)⁴⁰ bouatis inlande. *Leuilt*⁴¹ mat(er) eoru(m) .ii. bou(atas) p(ro) .ii. sol(idis) cu(m) p(re)dictis c(on)suetudinib(us) 7 p(er)ticaru(m) 7 arandi 7 secandi. Ite(m) Frawin(us) bracedori(us) h(abe)t .ii. bou(atas) [& .i. domum cum .ii. acris terre] p(ro) .iii. sol(idis) 7 deb(et) fac(er)e p(re)dictas c(on)suetudines n(isi) ei p(er)donent(ur).⁴² *Willelm(us) coc(us)* .v. b(ouatas) p(ro) .v. [sol(idis)]. ~~*Fracemusca*~~ (sic) [Vluric(us)]⁴³ .ii. b(ouatas) p(ro) .ii. sol(idis) [.xviii. d(enariis)⁴⁴ et c(on)suetudinib(us)] 7 deb(et) abb(at)i [gildare⁴⁵ q(ua) ten(et) de t(er)ra cosceto(rum)].³³ *Willelm(us) de roestuna*⁴⁶ ten(et) dimid(iam) hida(m) p(ro) .vi. sol(idis), q(ua)m n(on) adq(ui)etat de gildo regis, sed oportet abb(at)em adq(ui)etare ea(m) de suo.⁴⁷ Fullo .i. domu(m) p(ro) .xii. d(enariis). Elmer .iiii. b(ouatas) p(ro) .iiii. sol(idis) cu(m) sup(ra)dictis c(on)suetudinib(us). *Elmer fili(us) Allici* .ii. b(ouatas) p(ro) .iii. sol(idis) usq(ue) ad annos .iiii.⁴⁸ Ailward(us)

34 *ibid.*: Fromundus.

35 *ibid.*: servicio.

36 *ibid.*: Sobehal'.

37 *ibid.*: Lepsi.

38 *ibid.*: Horninglow.

39 *ibid.*: cum omnibus suis.

40 *ibid.*: .ii. bouatas.

41 *ibid.*: Leuine.

42 *ibid.*: nisi perdonentur ei.

43 See Introduction, n. 19.

44 Interlineated above .ii. *solidis*.

45 survey B: geldare.

46 *ibid.*: Roluestona.

47 *ibid.*: quam adquietat de gildo regis.

48 Survey B omits *usque ad annos .iiii.*, and the rest of the sentence is scored out.

cados .i. b(ouatam) absq(ue) crofta p(ro) [.viii.]⁴⁹ d(enariis). Alt(er) Ailward(us) domu(m) 7 cortillag(ium) p(ro) .viii. d(enariis). Will(elmus) vac(carius) .ii. b(ouatas) p(ro) .ii. sol(idis).
Su(m)ma est .iiii. lib(re) 7 .xii[ii]. sol(idi) 7 .x. d(enarii).⁵⁰

Okeover

IN acoure est tantu(m) inlande ubi potest e(ss)e .i. aratru(m). Terra ho(min)um & in hilu(m) 7 in acoura⁵¹ se def(endit) p(ro) .iii. virg(atis), & in warlanda acoure poss(unt) e(ss)e .ii. arat(ra). Leouuin(us)⁵² h(abe)t .i. carr(ucata) p(ro) servitio⁵³ suo 7 h(abe)t sub se .ii.⁵⁴ ho(m)i(n)es. De alt(er)a carr(ucata) ten(et) Suegn(us)⁵⁵ .ii. b(ouatas) p(ro) .xv. d(enariis). Lewin(us) .ii. b(ouatas) p(ro) .xv. d(enariis). Aelstanus 7 Cheneward(us), hi⁵⁶ duo, .ii. b(ouatas) p(ro) .xv. d(enariis). Tres s(un)t cotseti⁵⁷ q(ui) op(er)ant(ur) .i. die. Molendinu(m) hic (est) ualens .iiii. sol(idorum).⁵⁸ In d(omi)nio s(un)t .ii. b(ouate) de warlanda.

Ilam

In hilu(m)⁵⁹ n(on) (est) n(isi) warlanda, nec est quicq(uam) in d(omi)nio, .xvi. aut(em) b(ouate) s(un)t. Tiedwi⁶⁰ .ii. b(ouatas) p(ro) .ii. sol(idis). Leuuin(us)⁶¹ gup .ii. b(ouatas)⁶² p(ro) .xvi. d(enariis). Alt(er) Lewin(us) .ii. b(ouatas) p(ro) .xvi. d(enariis). Vlward(us) fab(er) .i. b(ouatam) p(ro)....⁶³ Huning(us) .i. b(ouatam) p(ro) .xii. d(enariis). Griffin⁶⁴ .i. b(ouatam) p(ro) .xii. d(enariis). Bertrich ten(et) tantu(m) t(er)re unde reddit .vi. sol(idos). Molendinu(m) reddit .x. sol(idos).⁶⁵eccl(esi)e est carr(ucata)⁶⁶ ...

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49 Interlineated above .xiii. denariis, which is retained in survey B.

50 Survey B has only *summa est*.

51 Survey B: in Acoure et in Ylum.

52 ibid.: Lewinus.

53 ibid.: servicio.

54 ibid.: duos homines.

55 ibid.: Swegnus.

56 ibid.: hii duo.

57 ibid.: Tres cotseti sunt.

58 ibid.: Molendinum valet .iiii. solidos.

59 ibid.: Ylum.

60 ibid.: Tedwi.

61 ibid.: Lewinus.

62 ibid.: .ii. bouatas .ii. bouatas (*sic*).

63 ibid.: pro .xvi. denariis.

64 ibid.: Griffin.

65 Survey B adds *summa est*. This is omitted from Bridgeman's edition (Bridgeman, p. 225).

66 According to the later survey A one carucate of land belonged to the church of Ilam. This carucate, however, is not mentioned in the cartulary's version of survey B.

AN EDITION OF A FOURTEENTH-CENTURY VERSION OF *ANDREAS SAGA POSTOLA* AND ITS SOURCES

Lenore Harty

Andreas saga postola is one of the series of Apocryphal Acts which became so popular in Europe from their composition during the second and third centuries A.D. until at least the nineteenth century. In Icelandic alone there are twenty-three manuscripts or fragments dealing with the story of St. Andrew, several of them being part of collections of Apostles' Lives.

In his *Postola Sögur*,¹ C. R. Unger divided the manuscripts of *Andreas saga postola* into four different versions, whereas *The Lives of the Saints in Old Norse Prose*² lists six, treating the miracle printed by Unger at the end of *Andreas saga postola II* as a separate work, and also noting a sixteenth-century fragment, 'presumably translated from Low German'.

According to this *Handlist*, there are eleven MSS. or fragments which contain the whole or part of *Andreas saga postola I* [*And. I* — i.e. the first version of the Saga printed by Unger on pp. 318-53], but two of these fragments — Copenhagen, University Library AM 238 fol. fragm. II (fourteenth century) 1r-v and AM 667, 4to. fragm. VII (c. 1500) 1r-2v — belong to *And. II*, the second version on pp. 354 ff., thus leaving nine manuscripts and fragments:

- A : AM 645, 4to (thirteenth century), containing a small part of chapter 16 [Codex II] and the greater part of chapter 18, the *Passion* [Codex I].
- B : AM 652, 4to (thirteenth century), with chapter 17 and part of chapter 18.
- C : AM 656 I, 4to (fourteenth century), containing part of chapter 18.
- D : AM 239 fol. (fourteenth century), an incomplete version of the whole Saga printed here.
- E : AM 659 a, 4to (seventeenth century), another incomplete version.
- F : AM 630, 4to (paper, seventeenth century), the earliest complete version, used by Unger as his main text.
- G : AM 629, 4to (paper, 1697), another complete version.
- H : Rask 69 (paper, c. 1800), the latest complete version.
- MS. J.S. fragm. 8. A (fourteenth century) 1v has only a few words from the *Passion*.

1 Christiania, 1874; hereafter cited as *Post*.

2 *A Handlist* by Ole Widding, Hans Bekker-Nielsen and L. K. Shook in *Mediaeval Studies* 25 (1963) 299-300.

The relationship of these MSS. with one another is difficult to work out: e.g. H, which reads like a copy of F, cannot be so as it was written c. 1800 and F had been in Arni Magnusson's hands since 1710. Presumably another copy [F¹] once existed, and may have been the 'Exemplar in 8vo' referred to by Arni in a note to MS. F. Fragment B is usually thought to be the remains of the 'little folio' which Arni noted as the source of F, and this may well be true despite the number of slight differences in readings.

In many respects E and G belong to this same group of MSS. (BFH), for they share the same errors and misreadings (though these are not apparent in the text given by Unger who replaces them with readings from the second version of the Life), and, except for H, which returns them to their correct form, the same strange spellings of the Latin names, but G has been copied by a careless scribe and E by one of independent mind. Altogether the mistakes and changes in these two MSS. are sufficient to suggest that they are descended from different copies.

In fact, it is the sheer number of minor differences that tells against the argument that EFG have been copied from one another: they must go back to a common source but one which has been copied several times. Nevertheless BEFGH form a group as opposed to A and D.

Fragment A is all that remains of the oldest translation we have. Again it represents an independent version of the original text.

D, too, stands on its own, being much nearer to the original than any of the others except A, lacking some of the omissions but many of the additions made in the F group, making fewer alterations in vocabulary and syntax, and avoiding some of the mistranslations.

A (Codex I) and C contain the Passion only and provide evidence that in Iceland this existed separately from the Life. The discrepancies between them are such that they must be descended from different versions of the same text.

Relationship between MSS. and Sources

Like all Western versions of the Life and Passion of St. Andrew, *And. I* is based on Gregory of Tours, *Liber de miraculis s. Andreae apostoli*,³ and *not* on Fabricius, *Acta apostolorum apocrypha*, chapter 6 as Unger thought.⁴ To Gregory's *Liber* has been added the 'Passio sancti Andreae apostoli' or the *Latin Letter*,⁵ which contains insertions from *Conversante et docente* (known both as 'Passio sancti Andreae apostoli' and as 'Passio Andreae Latine').⁶

3 Ed. by Max Bonnet in *Gregorii Turonensis opera* 1.2, MGH *Scriptores rerum Merovingicarum* 1 (Hannover, 1884), pp. 826-46; hereafter cited as G.T.

4 See *Post.*, p. xix.

5 Ed. by Max Bonnet in *Acta apostolorum apocrypha* 2.1 (Leipzig, 1898), pp. 1-37; hereafter cited as L.L.

6 Ed. by Max Bonnet in *Analecta Bollandiana* 13 (1894) 374-78; hereafter cited as *C et d.*

The Life

All the Icelandic texts of the Life must go back to a version [X] possibly still in Latin but now a shortened and rearranged form of G.T., containing chapters 1, 2, 4-6, 8, 9, 11, 10, 12-15, 3, 7, 24 and 30 in that order, as well as a new introductory chapter and details in the second chapter which differ from G.T. and for which no source has been found. As the surviving part of MS. D begins with G.T. chapter 9 we cannot know whether it too once had this new beginning, but as it follows the same version as the others from chapter 9 on, this seems a reasonable supposition.

That X must have been based on G.T. is shown by the fact that all the MSS. follow G.T. sentence by sentence, except where the cutting or re-ordering of the work demands some explanation or rephrasing (as, e.g. 139/13-14, 141/27-28, 145/17-18 etc.) and they contain close translations such as the very first words of D:

- G.T. Quod cum vidisset Andreas apostolus, faciens crucis signum contra eos, ait: 'Oro, Domine, ut decidat pater eorum, qui haec eos agere instigavit. Conturbentur virtute divina, ne noceant sperantes in te'.
- D ... sell andreas postoli sa þat gerdi hann crossmark j mot þeim ok mælti: Bid ek þik drottin at nidr falli fadir þeira sa er þa eggjadi at gera þetta. Skelfiz þeir af guðligum krapti at eigi grandi þeir þeim er fullting uëtta af þer.
- F Ok þá er postolinn sá þat, þá gerði hann krossmark á moti þeim ok mælti: 'Bið ek þik, Dróttinn, at niðr falli hqðingi þeira sá er þá eggjar til þetta at gera; skelfisk þeir af guðligum krapti, at eigi grandi þeir þeim er fulltings vænta af þér.' (Normalized spelling.)

This passage is typical of much of the text.

On the other hand, it is clear that X differed from G.T., for there are various readings in the Icelandic versions not found in the Latin text, e.g. 141/21-23, 141/27-28, 143/7-11 etc. (See notes for other examples.) An interesting point is that fragment A, the earliest and most literal translation we have, preserves some Latin phrases, but only one is in the exact words of G.T. As D and F have Icelandic versions of all these phrases, presumably X had these readings.

Then again the Icelandic versions have some readings that are not in G.T. but must have been in X:

- e.g. 145/9-14
- | | |
|---|--|
| A | Síþan toco tru oc scirn filopater oc forunautar aller Andrea postola ... oc mœrgom aþprom ðeim er hann geordi iborgenne at vilia guds. |
| D | Síðan toku þeir tru skirn allir forunautar andrea postola ... ok margar adrar. |
| F | Síðan tóku þeir rétta trú ok skirn Philopater ok fœrunautar hans allir af Andrea postola ... ok mœrgum qðrum þeim er hann gerði meðan hann var í borginni at Guðs vilja. |

That the X form existed at one stage in Latin is indicated by the fact that D and F employ different words to give the same sense. Interesting examples are:

G.T.	<i>minister</i>	D	<i>þionn</i>	F	<i>sendimaðr</i>
	<i>ampullam</i>		<i>fötu</i>		<i>létit ker ... þat er ampli heitir</i>

and particularly G.T. *theatrum*, which is used three times and translated as *gard* by D, but in the following ways by F:

á einu fõgru leið *moti*
 til þess *pláz* er Andreas postoli predikaði
 á þann *võll* sem allr lýðr er saman - kominn.

There are other examples where F feels bound to explain Latin terms which presumably were still used, as in A, when the text was first translated into Icelandic [X¹].

Accepting Dr. Holtsmark's argument⁷ that A is a copy of a translation, then we have, I think, to posit at least three steps from G.T. to the first extant Icelandic version of *And. I*:

G.T.	
X	(shortened and reordered Latin version)
X ¹	(first Icelandic version)
A	(Codex II)

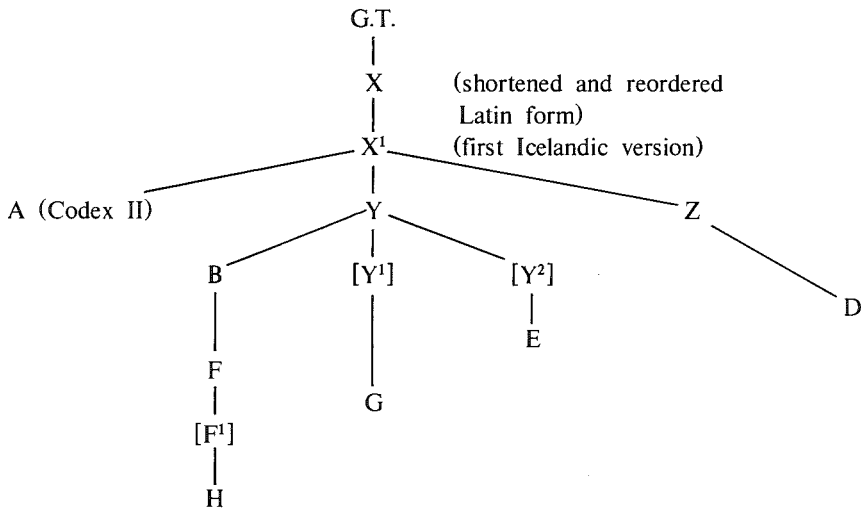
It is tempting to argue that A is the direct ancestor of the F group, but there are too many different readings, even in such a short fragment, to lend support to this theory.

There are some signs that other Icelandic versions lie between X¹ and BD: for instance, D's strange reading *klifa* at 137/5, G.T. *cubiculum*, must be a misreading of *kofa* found in the F group.

E and G differ so much from F and from each other that probably other versions intervene here.

Taking into account the reference to a *fornfålegt kver* [Y¹] in the notes to G, and to an *Exemplar in 8vo* in the notes to F [F¹], the following stemma is suggested:

⁷ Anne Holtsmark, *Book of Miracles in Corpus codicum islandicorum medii aevi* 12.



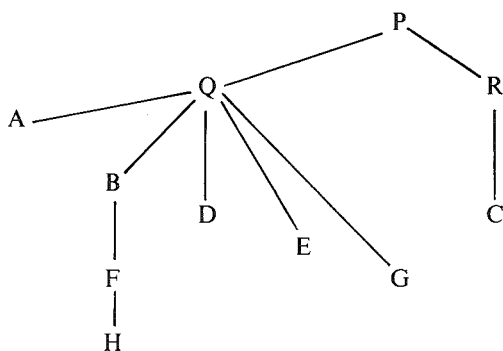
The Passion

Despite the differences between them the Icelandic versions of the Passion must ultimately be based on the same original [P], for they all contain the *Latin Letter* with insertions from *C et d*, and an expansion of G.T. chapter 37, while the complete texts end with a prayer, D's version of this being different from that in the F group.

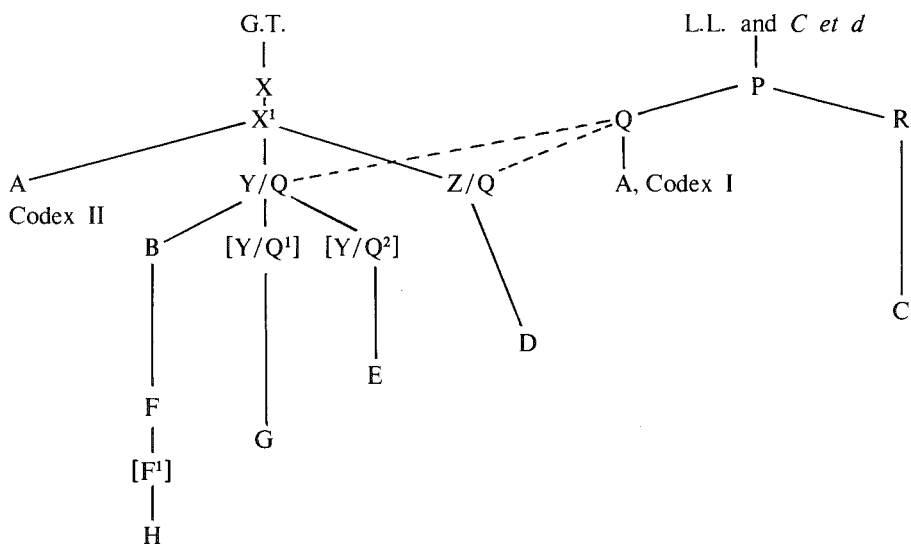
They agree in their treatment of LL and *C et d* which have been cut, added to, paraphrased and altered. The addition of 147/12-19 occurs in all MSS., except that the first two lines are missing in A, and C does not begin till 151/17, so we cannot know whether these lines were originally there or not.

On the other hand, there are many differences between the MSS. Setting aside minor questions of word order, use of articles and so on, the chief of these lie in the omissions and excisions found in the later MSS. when compared with the thirteenth-century A and early fourteenth-century C which preserve readings from P that have been lost in the others, though the F group sometimes keeps sentences which the late fourteenth-century D omits.

The evidence of MSS. A and C suggests that a form of P existed separately from the Life, but was added to the Life in B, D and the F group. Whether P was in Latin or not is difficult to demonstrate, but perhaps the evidence of C is sufficient to show that there were two translations of a Latin P. What does seem certain is that B and D were copies of the same translation [Q], for the agreement between D and the F group is close, much closer than in the Life, the main differences lying in their cutting of the text. A too seems to be based on this version but C is copied from another translation [R]. Thus we have:



If this is so, then the Q version must have been added either to X^1 of the Life, or independently to Y and Z. It is difficult to interpret the evidence provided by the two Codices of A, but I think the two parts were originally separate from each other, in which case the second of the above alternatives is perhaps the right one. The overall picture can be represented as follows:



Further study of the other texts in these MSS. may modify these suggestions considerably.

Manuscript D

AM 239 fol. [30 × 20.2 cm.]⁸ is a vellum MS. of the last half of the fourteenth century, containing 109 leaves and including a paper insertion at pp. 171-189 (the odd sides of the leaves are numbered 1-217). Several parts of the MS. are defective. It is written in different hands with headings in red, and initials in various colours.⁹

There are four notes in Arni Magnusson's handwriting inserted in the front of the MS.: the first deals with the contents, the other three with the history of the MS. The second reads:

Postula Sögur ætlar Sira Pall Ketelsson, Thumas Þorsteinsson um hönd haft hafa, oc i sinu (Sira Pals) ung dæme, skrifadar á kalfskin. Ecki veit herra Pall neitt til, ad þær hafi komizt til Þorlaks Arasonar, so ad su Relatio er annarstadar ad til mín komin. qvæ tum vera est. oc hvert hann þær att haf eda til láns haft, veit Sira Pall ecki.

The third states:

Postula Sögur meinast vera á Hvole, komnar til Þorlaks Arasonar fra Tumase Þorsteinssyne. Relatio cujus dam. *Tolf Postula Sögur* in membranâ seger Helga Þorlaksdotter, Arasonar, fôdur sinn feinged hafa Magnuse Magnussyne á Eyre i Seidisfirde, adur hann (Þorlaktur) austur flutte, meinar hun i sômu bok vered hafa = *Mariu Sôgu* og hafe bokin bisna þyck vered. Eg á nu þessar postula Sögur, fengnar af Pale Jonssyne lögmaðr, enn hann feck þær i Vigur. Magnus Jonson af Magnuse Magnussyne.

The fourth note elaborates and then summarizes these:

Magnus Magnusson á Eyre i Seidisfirde skrifade Amtmannenum *Christian Müller*, anno 1698 til, ad hann vel fyrir 30 árum, hafi haft eina permentsbók Islenska með gamla skrift, rotna, mæda, ok ö læselega, inn e halldande nockurra *Postula* (hvað margra man hann ei, eigi helldur ad þær hafi i vered *Mariu Saga*) *lífs-Sögur*, hafi i bökená allvíða blóð vantad. Og með því þessar sôgur ei fullkomnar vered hafe, hafi hann ei miög bokina æstimerad, og þær fyrir fyrir mörögum árum i burtu feinged, og vite nu ei hvar nidurkominn sie. Bökina seigist hann feinged hafa af Þorlake heitnum Arasyne. 1699 skrifar hann ad ei minnest giörla hverium hana feinged hafi, og geti hana ei uppspurt.

NB Magnus i Vigur feck þessar postula Sögur af Magnuse Magnussyne, enn P.J.V. eptir Magnus i Vigur, og á eg þær nu.¹⁰

⁸ See Kristian Kälund, *Katalog over den Arnemagnæanske håndskriftsamling*, 2 vols. (Copenhagen, 1889-94), 1, no. 361; George Stephens, *Tvende oldengelske Digte* (Copenhagen, 1853), p. 46; *Post.*, p. xii; C. R. Unger, *Heilagra Manna Sögur* (Christiania, 1877), p. viii; D. A. Seip and J. Brøndum-Nielsen, *Palaeografi in Nordisk Kultur* 28 B (Uppsala, 1954), p. 133.

⁹ In the *Andreas saga* pages these are green and red, and yellow and red.

¹⁰ Some of this information is repeated in AM 435, fols. 10v-11r.

The history of the MS. from the time it fell into Magnus Magnusson's hands seems clear, but what really happened to it before this is not so certain.

Andreas saga begins on fol. 96 (p. 191) immediately after the paper inset, and is written in the second hand of the MS. The first words are *sell andreas postoli sa þat*, which occur in the middle of chapter 8, and from then on the fragment is complete, ending with the full account of the *Passion* and a prayer at fol. 101v13. Fol. 98 is repaired with material down the left-hand margin and at line 14 there is a split, mended with net, which must have been there when the scribe wrote, for he avoids it. Again on fol. 99 lines 14-16 there is a fold in the MS. which has been carefully avoided, as have several small holes in the next few pages. Fol. 99v is repaired down the right-hand margin and a letter or two covered. In the rest of the Saga an occasional blot or rubbing makes one or two letters difficult to read, but all, I think, are decipherable, except for the word *gegnir* at fol. 101r line 7. Apart from fols. 96 and 97 which have 29 lines, each page contains 31 lines of text.

Although MS. F, as the earliest complete version of *And. I*, has to be the main text used by scholars, MS. D, lacking only six of the eighteen chapters from G.T., deserves study as being three centuries earlier than the F group. It turns out to be a closer version of its original than the others, the compiler being content to translate not only sense by sense but often word by word, whereas by the seventeenth century we find a different state of affairs.

The plain tale of G.T., reflected in D, has been embroidered: the compiler seems intent on ensuring that the story-line is kept as clear and straightforward as possible and so he makes the narrative rather neater than it must have been in X, tying up loose ends or making connections more obvious, using relative clauses to explain a strange word or clarify a reference, adding details that are consistent with or grow out of the story and make it more vivid, and underlining the moral and religious aspects of the story in a way that suggests the text was now definitely being used for oral delivery in a church. The beginning of this transformation can be seen in D (or perhaps it goes back to X¹) but F has carried it much further.

On the other hand, in the *Passion* which seems to have been more difficult to translate, both D and F cut some of the fine writing (e.g. *dum lux diei in matutino prorumperet* becomes *unz dagr kom; hac superflua et superstitiosa doctrina, kenningu; abscedente lumine emisit spiritum, þá var andlát postolans*), and in their treatment of this text are much closer to each other. Though F continues to add to the version more than D does, F's omissions at 48/2 and 3 can be supplied from D to make sense of the passage.

MS. D seems to me to reflect the style of G.T., the most striking elements of which are 'the numerous brief pieces of direct discourse which he uses whenever he has an opportunity. Any story he can he thus makes into a scene' and 'the

rhythm and the atmosphere of the Bible, especially of the New Testament, [which] are always present in Gregory's mind and help to determine his style'.¹¹ D's version of *Andreas saga* is a series of scenes told in a style that reflects the paratactic character of Biblical translation, which in turn has affected the translation of the more complex Latin of the Passion, where there is more cutting, simplification of sentence structure, and more use of *ok*, *en* and *pá*.

Altogether it is clear that D belongs to 'the first hagiographic period' when translations were written in a 'plain straightforward style remarkably free from the influence of the diction of the Latin sources',¹² but there is more translation 'ord for ord, periode for periode' than Widding and Bekker-Nielsen seem to imply in their discussion of these legends as opposed to the homilies of the time.¹³ Where D follows its Latin original closely, it is in a way consistent with Icelandic idiom, thus bearing out Turville-Petre's statement that the earlier translators strove 'for linguistic purity, while adhering closely to their originals'.¹⁴ The style that resulted from this must have influenced that of the Family Sagas, just as the form and structure of these foreign biographies led to some of the saga writers' most characteristic devices in ordering the material of their own heroes' lives.

The Edition

This text is presented in the spelling of the original manuscript with silent expansion of abbreviations. The punctuation of the original is kept (MS. ' / taken as , ; ' as : or , ; // as : or .) but added to where this seems sensible. As speeches usually, though not quite always, begin with a capital letter, it seems justifiable to reinforce this with a preceding colon even when the usual mark of punctuation is missing. Under the same conditions a full stop is added at the end of sentences, though these are commonly marked.

The stroke over *e* and *o* is reproduced as ^, *ê* and *ô*; the sign / is kept as ' when it occurs over vowels other than *i*, for this letter has the stroke as a matter of course. *d* is kept as *d*.

The text of the parts of G.T. used by the compiler is given in full, as is the text of L.L. except for chapter 12, where the words 'non debere hoc pati, sed debere deponi de cruce' have been omitted after *rationabilem* (see p. 154/41), but only the relevant phrases from *C et d* have been printed.

11 Erich Auerbach, *Mimesis*, trans. Willard Trask (Princeton, 1953; rpt. Garden City, N.Y., 1957), p. 79.

12 Hans Bekker-Nielsen, 'On a Handlist of Saints' Lives in Old Norse', *Mediaeval Studies* 24 (1962) 328.

13 Ole Widding and Hans Bekker-Nielsen, 'En Senmiddelalderlig Legendesamling', *Maal og Minne* (1960) 126.

14 G. Turville-Petre, *The Origins of Icelandic Literature* (Oxford, 1953), p. 129.

Gregory of Tours: *Liber de miraculis beati Andreae apostoli*

Chapter 9 (second sentence)

Quod cum vidisset Andreas apostolus, faciens crucis signum contra eos, ait: 'Oro, Domine, ut decadat pater eorum, qui haec eos agere instigavit. Conturbentur virtute divina, ne noceant sperantes in te'. Haec eo dicente, angelus Domini cum magno splendore praeteriens, tetigit gladios eorum, et corruerunt proni in terra. Transiensque beatus apostolus cum suis, nihil est nocitus; omnes enim, proiectis gladiis, adorabant eum. Angelus quoque Domini discessit ab eis cum magno lumine claritatis.

Chapter 11

Fuerunt autem duo viri in Philippiis fratres, et uni quidem erant duo filii, alteri filiae duae, quibus erat facultas magna, eo quod essent valde nobiles. Dixitque unus ad alterum: 'Ecce sunt nobis opes eximiae, et non est de civibus qui dignae copuletur generationi nostrae; sed veni, et fiat nobis una domus ex omnibus. Filii mei accipiant filias tuas, ut opes nostrae facilius coniungantur'. Placuit hic sermo fratri, et inito foedere, obligaverunt hanc convenientiam per arrabone quod pater puerorum misit. Dato igitur die nuptiarum, factum est verbum Domini ad eos, dicens: 'Nolite coniungere filios vestros, donec veniat famulus meus Andreas. Ipse enim vobis quae agere debeatis ostendet'. Iam enim thalamum praeparatum erat et convivae vocati, et omne apparatus nuptiale in promptu tenebatur. Tertia vero die advenit beatus apostolus, et videntes eum, gavisii sunt magno gaudio, et occurrentes ei cum coronis, processerunt ante pedes eius et dixerunt: 'Te amoniti praestolamur, famulae Dei, ut venias et adnunties nobis quid faciamus. Accepimus enim verbum operire te, et, ne ante coniungerentur filii nostri, quam tu venires, indicatum est nobis'. Erat tunc vultus beati apostoli tamquam sol relucens, ita ut omnes admirarentur, et honorarent Deum. Quibus ait apostolus: 'Nolite, filioli, nolite seduci, nolite decipere hos iuvenes, quibus potest fructus apparere iustitiae; sed magis paenitentiam agite, quia deliquistis in Dominum, ut proximos sanguine velletis coniugio copulare. Non nos nuptias aut avertimus aut vitamus, cum ab initio Deus masculum iungi praecipisset et feminam, sed potius incesta damnamus'. Haec eo loquente, commoti parentes eorum, dixerunt: 'Oramus, domine, ut depraeceris pro nobis Deum tuum, quia nescientes fecimus hoc delictum'. Adolescentes autem videntes vultum apostoli splendere tamquam vultum angeli Dei, dicebant: 'Magna et immaculata est doctrina tua, vir beatae, et

ANDREAS SAGA POSTOLA

MS. A.M. 239, ff. 96 ff.

sæll andreas postoli sa þat gerdi hann crossmark j mot þeim ok mælti: Bid ek þic drottin at nidr falli fadir þeira sa er þa eggjadi at gera þetta. Skelfiz þeir af gudligum krapti at eigi grandi þeir þeim er fullting uætta af þer. Enn er hann hafdi þetta mælt, þa for engill drottins fyrir þeim með miclum biartleik ok tok
 5 suerd hermanna ok þeir fellu til iardar. En sell Andreas postoli ok hans menn for leidar sinnar usakadir, ok er [sic] menn kôstudu uôpnum sinum ok fellu til fota postolanum. Engill drottins huarf þa abrautt fra þeim með miclu liosi.

er Andreas postoli banadi frændsspell

Tueir brêdr gôfgir biôggu j borg þeiri er peruitum het, annarr atti sonu 'ij' enn
 10 annarr dêtr .ij. þeir attu aud mikin fiâr þuiat þeir uoru hardla kyn gôfgir. Þa mælti annarr uid brodur sinn: Sedu at uit hôfum gnóg audêfi ok er sa engi j þeiri borg er hêfi at samtêngia uoru kyni. Nukomdu ok leggium saman eigur ockrar. Skulu synir minir ganga at eiga dêtr þinar ok samtengia sua eigur ockrar. þetta
 15 rôdd uidþa: Eigi skulutþer sonu ydra ok dêtr samtengia j hiuskap unz kemr andreas þion min þuiat hann mun syna ydr huat er skulut gera. þa uar buin veizla ok monnum bodit ok allr uidbunningr bradlaups til samidr. A þridja degi kom Andreas postoli ok er menn sa hann urdu þeir hardla fegnir ok runnu j mot honum með koronur ok fellu fyrir fêtr honum ok mæltu: þik bidium uer þion
 20 Guds sem uer hôfum uerit amintir at þu komir ok segir oss huat uer skulum gera, þuiat oss er bodit at lyda þer ok oss uar sagt at eigi skyldi synir uorir quangaz fyrr enn þu kêmir. Enn andlit andreas postola uar sua biart sem sol sua at allir undruduz ok uegsômudu gud. Postolinn mælti uid þa: Eigi skulut þer synir minir bleckia þeira frumuaxta menn eptir þat er þeim uar uitiadr auoxtr rettlêtis: Giorit
 25 helldr idran þuiat er misgerdut uid gud er er uilldut samtengia hiuskap sua nána frendr. Enn eigi bônnum uer ydr samkundr þuiat gud baud samtengiaz karll ok konu helldr fordêmun uer uhêfa hluti. Enn er hann hafdi þetta mælt, þa idruduz frendr inna ungu manna ok mæltu: Bidium uer þik drottinn at þu fyrirgefir oss þuiat eigi uissum uer huat uer gerdum. Enn er inir ungu menn sa yfirlit postolans

9 *peruitum*; G.T. 'Philippis'. Perhaps the Icelandic form was caught from 'Perintum' (-in- being misread as -vi-), which occurs in chapter 10[132/6], before the chapter was shifted from its original place. 14 *abraudkôps*: D *ab*udkôps* is presumably a slip for *abrúdkôps*. Cf. E *brudlaups*, F *brullaups*, G *kaupskaps*, H *brudkaups*.

nesciebamus; verum enim cognovimus, quia Deus loquitur in te'. Quibus sanctus apostolus ait: 'Custodite sine pollutione quae audistis, ut sit Deus vobiscum, et accipiatis mercedem operis vestri, id est sempiternam vitam, quae nullo clauditur fine'. Haec dicens apostolus et benedicens eos, siluit.

Chapter 10

Sanctus vero apostolus pervenit ad Perintum civitatem Traciae maritimam et invenit ibi navem, quae in Machedoniam properaret. Apparuit enim ei iterum angelus Domini et iussit eum ingredi navem. Tunc praedicans in navi verbum Dei, credidit nauta in dominum Iesum Christum et omnes qui cum eo erant, et glorificabat apostolus sanctus Deum, quod nec in mari defuit qui audiret praedicationem eius aut qui crederet filium Dei omnipotentis. [Chapter 12]

Erat quidam iuvenis in Tesalonica nobilis valde ac dives opibus Exuos nomine. Hic venit ad apostolum, nescientibus parentibus suis, et procidens ad pedes eius, rogabat eum, dicens: 'Ostende mihi, quaeso, famule Dei, viam veritatis. Cognovi enim, quod verus minister sis eius qui te misit'. Sanctus vero apostolus praedicavit ei dominum Iesum Christum, et credidit adolescens, adherens sancto apostolo nihilque de parentibus meminsens neque de facultatibus aliquam inpendens sollicitudinem. Parentes autem requirentes eum, audierunt, quod in Philippis cum apostolo moraretur, et venientes cum muneribus, rogabant, ut separaretur ab eo; sed nolebat, dicens: 'Utinam nec vos has opes haberetis, ut mundi cognoscentes auctorem, qui est verus Deus, erueretis animas vestras ab ira futura'. Sanctus quoque apostolus descendit de tristico et praedicabat eis verbum Dei; sed non audientibus, rediit ad puerum et clausit ostia domus. At illi, convocata cohorte, venerunt, ut incenderent domum illam in qua erat iuvenis, dicentes: 'Intereat puer, qui reliquit parentes et patriam'. Et adhibentes fascēs caractae scyrpique et facularum, coeperunt succendere domum. Et cum iam flamma fereretur in altum, arreptam adolescens ampullam aquae, ait: 'Domine Iesu Christe, in cuius manu omnium elementorum natura consistit, qui amentia inficis et infecta facis arescere, qui ignita refrigeras et extincta succendens, tu extingue hos ignes, ut tui non tepescant, sed magis accendantur ad fidem'. Et haec dicens, exparsit desuper aquam ex ampulla, et statim omne incendium ita supitum est, acsi non fuisset accensum. Quod videntes parentes pueri, dicebant: 'Ecce iam filius noster magus effectus est'. Et adhibentes scalas, volebant ascendere in tristico, ut eos interficerent gladio. Dominus autem excaecavit eos, ne viderent ascensum scalarum. Cumque in hac perversitate durarent, quidam Lesemachus e

skina sem engils guds ok mæltu: At sônnum uitum uer at uer hôfum misgert uidþic. postolinn suaradi: Vardueiti þer þa hluti hreinliga er er heyrðit at gud se með ydr ok takit er uercköp yduart þat er eilíft líf er með engum enda lykz. þa er postolinn hafði þetta mælt þa blezadi hann þeim ok fór abrautt síðan.

5

Capitulum

Þa er Andreas postoli kom til peruitum borgar, þa fann hann þar skip þat er fara uilldi til macedoniam honum uitradiz engill Guds ok bad hann ganga askip ok boda ord Guds. Postolinn gerdi sua ok lærði skipueriana ordi Guds ok trudu skipueriar a drottinn iesum xristum ok dyrkudu splan postola drottins er eigi kenndi at eins Guds ord alandi helldr ok asia.

10

borg thesalonicensis uar madrnockur frumuaxti audigr ok gôfugr at kyni hann het exuus. hann kom til sels andrea postola at ouitôndum frendum sinum ok fell til fota honum ok bad ok mælti: Bid ek þion Guds syn þu mer sannleiks gôtu þuiat ek skil at þu ert sannr þionn þess er þik sendir. Heilagr Andreas postoli bodadi honum gud drottin iesum xristum, ok trudi hin ungi madr ok uar skirðr ok fylgdi síðan postola Guds ok ecki rêkti hann frendr sina ok engua ahyggio bar hann fyrir audêfum. Fadir hans ok modir fragu at hann uar j borg philipis með postola Guds ok komu með giôfum ok badu at hann hyrfi fra postolanum. hann suaradi: Ma eigi sua atberaz at er hafit audêfi þui tilþess at frelsa andir ydrar fra komanda reidi Guds ok er kennit upphefiara heims þann er sannr gud. þa ste andreas postoli ofan orloptskemmu nockurri ok bodadi þeim ord Guds. þeir uilldu eigi lyða. Postolinn huarf þa aptr til sueinsins ok byrgdu loptit ok dyrr hussins þa sômnudu frendr sueinsins lidi til at brenna husit ok sueinin ok mæltu Fyrirfariz sa er fyrirlêtr fôdur ok modur ok alla frendr. Baru síðan at husinu harda séf ok tiôrbrydiur ok elldiskid ok slogu elldi j: tok þa at loga husit ok þa er elldrin geck husum hêrra, þa greip enn ungi madr fôtu eina uazfulla ok mælti: Drottin iesus xrist i þess hendi stendr saman edli huerrar skepnu, þu er uôkuar þurra hluti enn þurkar uota ok þu er stillir elld ok slôckiur bruna, slôcktu þenna elld sua atþinir menn kenni engan þef reyki vel hita, helldr kueikiz þeir i tru. En er hann hafði þetta mælt, þa slo hann uatninu or fôtunni ok jelldin. Enn þegar slocknadi allr elldrin sua skiott at engi flêr uar eptir. Enn er þat sa frendr sueinsins mæltu þeir: Seþer sonr uorr er ordinn fiôlkunnigr. þa settu þeir stiga uid loptit ok êtludu þa at uega með suerdum. Enn drottin blindadi þa sua at þeir sa eigi stigan. Frêndr

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24 All the Icelandic versions omit 'ad patriam' here. Cf. 132/25. 28-29 *sua atþinir menn kenni engan þef reyki vel hita*: F's paraphrase of the Latin 'ut tui non tepescant' — *at þinir menn sljófisk eigi né slokni frá þínum ástarhita* — makes more sense than D's reading.

civibus ait: 'Ut quid, o viri, casso vos labore consumitis? Deus enim pugnat pro viris istis, et vos non cognoscitis? Sinite ab hac stultitia, ne vos caelestis ira consumat'. Haec eo dicente, conpuncti omnes corde, dicebant: 'Verus est Deus, quem isti colunt, quem et nos persequi temptavimus'. Haec eis dicentibus, cum iam tenebrae noctis advenissent, subito lumen effulsit, et omnium oculi inluminati sunt.

Ascendentesque ubi erat apostolus Christi, invenerunt eum orantem; prostrati quoque in pavimento, clamabant dicentes: 'Quaesumus, domine, ut ores pro servis tuis, qui errore seducti sunt'. Tanta enim omnes conpunctio cordis attigerat, ut diceret Lysemachus: 'Vere Christus est filius Dei, quem praedicat servus eius Andreas'. Tunc erecti ab apostolo, conroboreti sunt in fide, tantum parentes pueri non crediderunt. Qui exsecrantes adolescentem, regressi sunt in patriam, subdentes omnia quae habebant publicis ditionibus. Post dies autem 50 unius horae momento expiraverunt; et post haec, pro eo quod diligerent omnes viri civitatis adolescentem propter bonitatem et mansuetudinem eius, omne patrimonium ei concessum est a publico et erat possidens cuncta quae habuerant parentes eius. Non tamen ab apostolo discedebat, sed fructus praediorum in pauperum necessitatibus et curis indigentium expendebat. [Chapter 13] Rogavit autem adolescens beatum apostolum, ut proficiscerentur simul in Thesalonica, et cum venissent ibi, congregati sunt omnes ad eum; gaudebant enim videntes puerum. Tunc, congregatis omnibus in theatrum, praedicabat eis puer verbum Dei, ita ut sileret apostolus, et admirarentur prudentiam eius. At illi clamaverunt, dicentes: 'Salva filium Carpiani civis nostri, quia valde aegrotat, et credimus in Iesum quem praedicas'. Quibus ait beatus apostolus: 'Nihil est impossibile apud Deum; sed tamen, ut credatis, adducite eum in conspectu nostro, et sanabit illum dominus Iesus Christus'. Tunc pater eius abiit ad domum suam et dixit ad puerum: 'Hodie sanus eris, fili dilectissime Adimathe'; hoc enim erat nomen pueri. Qui ait ad patrem: 'Vere enim effectum est somnium meum: nam ego vidi per visum virum hunc, qui me sanum redderet'. Et haec dicens, induit vestimenta sua, surrexitque a grabatto et pergebat ad theatrum cursu veloci, ita ut non possit a parentibus adsequi. Et procidens ad pedes beati apostoli, gratias agebat pro sanitate recepta. Populi autem stupebant, videntes eum post viginti tres annos ambulantiem, et glorificabant Deum, dicentes, quia: 'Non est similis deo Andreae'.

- sueinsins haurdnudu at meirr j reidi sinni. þa mælti einn af borgarmonnum sa er lisimachus het: Heyrit karllar: hui staruid ér j þessu eruidi er gud berst með þessum monnum imoti ydr, eda hui skilit ér þat eigi. Latit af heimsku þui at eigi hefni hann ydr himneskri hefnd. þa er hann hafdi þetta mælt komuz allir uid ok
- 5 mæltu: Sannliga er sa sêll er þessir gôfga enn uer hofum nu uerit motstôðu menn hans. Þegar er þeir hôfdu þetta mælt þa skein lios mikit yfir þa enn adr uar nattmyrkr ok saþeir þa ôll tipendi ok allir toku þa syn sina þeir er adr hôfdu blindadir uerit at guds uilia. þeir stigu þa upp j loptskemmuna til postola kristz ok fundu hann abên sinni. þa fellu þeir allir til fota postolanum ok kôlludu ok
- 10 mæltu: Bidium uer at þu bidir oss þrêlum þinum er teldir ero j uillu. Þeir geru þa ok mæltu sem lisimachus hafdi mælt: At sônnu er kristr son Guds sa er andreas postoli bodar. Postolinn reisti þa upp af golfinu ok styrkdi þa jtru. Enn fadir sueinsins ok modir uilldu eigi trua þau rêktu sua þenna mann, at þau foru til iarda sinna ok gerdu þann maldaga afe sinu at sia erfingi þeira skyllði ecki
- 15 eignaz. enn eptir .i. daga urdu þau braddaud bêði a eino ôga bragdi. Enn þuiat allir borgar menn elskudu hin unga mann af hans gêsku ok hogueri þa gafu þeir honum alla erfd sina ok eignadiz hann allt þat er fadir hans ok modir hôfdu átt. Enn þo skildiz hann eigi uid postolan en gaf auôxt garda sinna fatêknum monnum ok ueitti rêkd þörfundum j þeira naudsynium. Enn hin ungi madr exuus bad
- 20 þa at þeir ferir badir saman j thesalonica. Ok er þeir komu þar, þa foru menn at sia sueinin. Enn er allr borgar lydr uar komin j einn gard, þa bodadi sueinnin þeim ord Guds sua at postolin hlyddi ok undradiz uiturleik hans. Enn þeir kolludu ok mæltu: Grêd þu son karpiani borgar mannz uars heilan er siukr er miok ok munum uer trua þa a ihesum þann er þu bodar. þa suaradi postolin þeim
- 25 ok mælti: Ecki er þat umattuligr er gud uill. Nuleidit þer hann j ogsyn oss ok mun drottin iesus xristus grêda hann ef ér uilit trua. þa for karpianus til hussins ok mælti uid son sinn: J dag muntu heill uerda in kêrsti son climathe: þat uar nafn sueinsins. sueinnin suaradi: Sannaz munþa draumr min, þuiat ek sa mann j suefni þann er mik gerdi heilan. Enn er hafdi þetta mælt þa klêddiz hann ok reis
- 30 upp or reckiônni ok rann skiott til gardzins sua at fadir hanz ok adrir menn mattu eigi fylgia honum ok fell hann til fota postolanum ok þackadi honum sina heilsu. lydrin undradiz er þeir sa þann mann renna er siukr hafdi uerit .iij. uetr ok .xx. ok lofudu gud ok mæltu sua: Eigi skulum uer fyrirlata gud þann er bodar sêll andreas postoli.

27 *climathe*: G.T. 'Adimathe' and variants, Abdias 'Adimante' (Abdias, *Abdiae Babyloniae episcopi De historia certaminis apostolici*, libri decem Jul. Africano interprete; p. 1. part. I var. auctt. de vitis apostt. et sanct., ed. Wolfg. Lazio, Basel, 1552; Paris, 1560 and 1566). As all the Icelandic MSS. have *Climati* or *climathe* this change must have taken place in X. It is possible that the name had been shortened to *dimathe* and the *d* misread as *cl*.

Chapter 14

Unus autem e civibus, cuius filius habebat spiritum inmundum, rogabat beatum apostolum, dicens: 'Sana, quaeso, vir Dei, filium meum, quia male a daemonio vexatur'. Daemon vero, sciens futurum se eici, seduxit puerum in secretum cubiculum et suffocavit eum, laqueo extorquens animam eius. Denique pater pueri, cum invenisset illum mortuum, flevit multum et ait amicis suis: 'Ferte cadaver ad theatrum; confidio enim, quod poterit resuscitare ab hospite qui praedicat Deum verum'. Quo delato et posito coram apostolo, narravit ei, qualiter interfectus esset a daemone, dicens: 'Credo, homo Dei, quod etiam a morte per te possit resurgere'. Conversus autem apostolus ad populum, ait: 'Quid vobis proderit, viri Thesalonicensenses, cum haec fieri videtis, si non creditis?' At illi dixerunt: 'Ne dubites, vir Dei, quia, isto resuscitato, omnes credimus'. Haec illis dicentibus, ait apostolus: 'In nomine Iesu Christi, surge, puer': et statim surrexit. Et stupefactus omnis populus, clamabat dicens: 'Sufficit; nunc credimus cuncti Deo illi quem praedicas, famule Dei'. Et deducentes eum ad domum cum facibus et lucernis, eo quod iam nox advenisset, introduxerunt eum in domum suam, ubi per triduum instruxit illos de his quae Dei erant.

Chapter 15

Venit ad eum quidam vir de Philippis Medias nomine, cuius filius in debilitate nimia aegrotabat, et ait ad apostolum: 'Depraecor, o homo Dei, ut restituas mihi filium meum, quia debilitatus est corpore'. Et haec dicens, flebat valde. Beatus vero apostolus abstergens genas eius et caput manu dimulcens, dicebat: 'Confortare, fili; tantum crede, et implentur voluntates tuae'. Tunc adpraehendens manum eius, ibat in Philippis. Cumque ingrederetur portam civitatis, occurrit ei senex, rogans pro filiis, quos pro culpa ineffabili Medias carcerali supplicio detruserat, et erant ulceribus putrefacti. Conversus autem sanctus apostolus ad Median, dixit: 'Audi, homo; tu deprecaris, ut sanetur filius tuus, cum apud te vincti retineantur, quorum iam sunt carnes exaese. Et ideo, si praeces tuas ad Deum vis proficisci, absolve prius miserorum catenam, ut et filius tuus a debilitate laxetur; nam video impedimentum ferre precibus meis malitiam quam exerces'. Tunc Medias procidit ad pedes eius, et deosculans, ait: 'Absolvantur hii duo et alii septem, de quibus nihil audisti, tantum ut sanetur filius meus'. Et iussit eos in conspectu beati apostoli exhiberi. At illi, inpositis eis manus, et per triduum abluens vulnera eorum, sanitati restituit libertatique donavit.

er andreas postoli grædi mann dioflodan

- Einn af borgar monnum atti son diofulodan ok mælti sa með bæn uid andream postola: Bid ek þic, Guds madr, grêd þu son min þuiat hann kuelz af diofli. Enn fiandi uitti fyrir at postolin mundi hann abrott reka ok sueik sueinin j einum
- 5 leyndar klifa sua at hann hengdi sik jsnôru til bana ok fiandi kualdi sidan ônd hans. Enn er fadir hans fann hann daudan þa gret hann miok ok sagdi uinum sinum ok mælti: Fêrit þer hrê sueinsins jgardin ut, þuiat ek trui at hann mun lifa at bæn gestzins er bodar sannan gud ok uar hann nu þangat fêdr ok lagdr fyrir fêtr postolanum ok uar honum sagt at hann uar suikin af fianda til liftions ok
- 10 mælti fadir hans uid postolan: Trui ek, Guds madr at hann ma af dauda reisa fyrir þar [sic] bod ord. þa sneriz postolin til lydsins ok mælti: huat stodar ydr thesalonicensis monnum at êr sêd þetta takn ef er truit eigi at helldr agud. þeir suaradi: Eigi skaltu efa, Guds madr at uer munum allir trua a gud ef hann lifnar. þa mælti postolin: J nafni iesus xristz ris upp þu. sueinnin reis upp þegar. þa
- 15 kalladi allr lydr með rêzlu ok mæltu: þôrf uinnr oss ôllum, þat er uer truum agud þann er þu bodar þion Guds. þa leiddi allr lydr postolan til hus með lôgum ok kertum fyrir þui at myrkt uar af not ok uar hann þar .iij. daga ok kenndi þeim Guds ord.

[No Heading]

- 20 Þa kom madr nockur or borg philippis er het medeas ok atti son lama ok akafliga siukan ok mælti uid postola: þu, Guds madr, bid ek at þu grêdid son min, þuiat lama er allr likamin ok þa gret hann akafliga er hann hafdi þetta mælt. En sêll Andreas postoli þerdi kinnit hans ok klappadi með hendi jhofid honum ok mælti uid hann; styrkiztu sonr min ok trui ok mun fyllaz uili þin. þa tok postolin
- 25 j hônd honum of for með honum j borg philipis. Enn er þeir komu til borgar hlids þa rann j mot honum gamall madr ok bad postola bidia fyrir sonum sinum, þa hafdi medias setta j myrkva stofu fyrir oumbrêdiligan glêp. þeir uoru allir ecki nema sullir ok fundnudu allir. þa sneriz heilagr andreas til medias ok mælti: Heyrdu madr þu bidr at grêdr se sonr þin. Enn fyrir hui bidr þu þess er þu hefir
- 30 þa j bôndum er uanheilir eru. Nu ef þu uill benir þinar stoda lata, þa leystu fyrr aumingia or bôndum til þessar sonr þin uerdi heill þuiat illzka su er þu framdir heptir bônir þinar: þa fell medeas til fota postolanum ok kysti fêtr hans ok mælti: Verdi leystir þessir .ij. ok adrir .vij. þeir er eigi uar þer sagt at jbôndum ueri tilþess at sonr min uerdi heill. Nu uoruþeir leiddir isyn uid postolan þa lagdi
- 35 hann hendr yfir sonu ins gamla mannz ok þuo sar þeira ok urdu þeir heilir sottar sinar.

5 *klifa*: this must be a mistake for *kofa*, the reading of the other MSS.

[Chapter 15 continues]

Postera vero die ait ad puerum: 'Surge in nomine domini Iesu Christi, qui me misit, ut medear infirmitati tuae'. Et adpraehensa manu eius, levavit eum; qui statim surrexit et ambulabat, magnificans Deum. Vocabatur enim puer Phillionedis, qui viginti duobus annis fuerat debilis. Clamantibus autem populis et dicentibus: 'Et nostris medere infirmis, famule Dei Andreas', ait vero apostolus ad puerum: 'Vade per domos aegrotantium et in nomine Iesu Christi, in quo sanatus es, tu iube eos exurgere'. At ille, admirantibus populis, abiit per domos infirmorum, invocatoque Christi nomine, restituebat eos sanitati. Credidit autem omnis populus, offerensque ei munera, rogabant, ut audirent verbum Dei. Beatus vero apostolus praedicans Deum verum, nihil de muneribus accipiebat.

Chapter 3

Demetrii autem primi civitatis Amaseorum erat puer Aegyptius, quem amore unico diligebat. Orta autem in eum febre, spiritum exalavit. Denique, audita Demetrius signa quae faciebat beatus apostolus, venit ad eum, et procidens cum lacrimis ante pedes eius, ait:

'Nihil tibi difficile confido, minister Dei. Ecce enim puer meus, quem unice diligebam, mortuus est, et rogo, ut adeas domum meam et reddas eum mihi'. Haec audiens beatus apostolus, condolens lacrimis eius, venit ad domum in qua puer iacebat, et praedicans diutissime ea quae ad salutem populi pertinebant, conversus ad feretrum, ait: 'Tibi dico, puer, in nomine Iesu Christi, fili Dei, surge et sta sanus'. Et confestim surrexit puer Aegyptius, et reddidit illum domino suo. Tunc omnes qui erant increduli crediderunt Deo et baptizati sunt ab apostolo sancto.

Chapter 7

Denique adpropinquans portam Nicomediae, ecce efferebatur mortuus in grabatto, cuius pater senex servorum sustentatus manibus vix obsequium funeris valebat inpendere. Mater quoque hac aetate gravata, sparsis crinibus, sequebatur heulando cadaver, dicens: 'Vae mihi, cuius usque ad hoc tempus aetas producta

heilsu giof sueins eins af andrea postola

Eptir þat mælti postolin uid son medie: Ris upp þu j nafni drottins iesu xristz er mik sendi til at lækna sott þina: þa tok postolin j hõnd honum ok hof hann upp ok reis hann þegar upp heill ok geck ok lofadi gud. Sueinn sia het p̃Hilonedis: hann hafði .ij. uetr ok .xx. uerit lama: þa kalladi allr ok mælti; lèkn þu siuka menn uora, Guds þion: þa mælti postolin uid sueinin: Farðu til husa siukra manna ok bid þa upp risa j nafni cristz þess er þer gaf heilsu. En allr lydr undradiz er hann for til siukra manna. Enn allir urðu heilir er hann kalladi cristz nafn yfir ok trudu allir gudi ok ferdu gíafir postolanum ok badu at þeir mætti heyra ord Guds. Enn sèll andreas postoli bodar þeim ord guds en þa ecki gíafir þeira.

er sueinn einn reis af dauda

Demetrius het madr audigr at fe enn fatèkr at tru hann hafði fiolda mikin þionor manna. Einn uar sa hans þionor madr er honum uar mycklu kèrri enn adrir ok uar hann egipzkr: hann tok riðu sott sua harda at hann andadiz þegar a enni sómu stundu: hans lanar drottin harmadi miok dauda hans. Siabuandi for sidan afund andream postolan þuiat hann heyrdi marga dasamliga hluti fra honum sagda: hann fell til fota postolanum ok mælti með tárur: þui treystumz ek at þu Guds þion matt gera alla hluti þa er þu uill. Sueinnminn sa er ek unna mikit er nu daudr. Nu bid ek þik at þu farir til hus mins ok gialldir mer aptr sueinin. En er postolin heyrdi þetta, þa for til hans hus ins ódga mannz ok uar þar fyrir margr manna. þa taldi Andreas postoli lengi fyrir þeim tru at þeir tæki heilsu andar. Eptir þat sneriz hann til baranna er likit la a ok mælti: Ek segi þer sueinn res upp þu j nafni drottins iesu xristz, ok statt heill upp: þa reis sueinnin upp þegar heill ok selldi Andreas hann heilan sinum lanar drottni: þa toku allir skirn þeir er þar uoru uidstaddir ok lofudu gud ok Andream postola.

upprise

Sidan for andreas postoli til borgar þeirar er nicomedia het, enn er hann nalgadiz borgina, þa foru menn a mot honum ut or borginni með lik eins ungs mannz ok þar uar bæði fadir sueinsins ok modir ok uoru með miclum harmi. modir hans uar hrum af elli ok for fyrir liki sonar sins ok reytti sik ok ueinadi ok mælti: Vei mer sua gamalli sem ek em er ek skal þau órlög bida at sia son min

10 *ord guds*²: this is either a misreading of 'verum' as 'verbum', or else it is a repetition of the preceding *ord guds*. 16 *hans lanar drottin harmadi miok dauda hans*: this addition is found in all the Icelandic versions.

est, ut funeris mei apparatus in filii funus expendam'. Cumque haec et his similia deplorantes cadaver vociferando prosequerentur, affuit apostolus Dei, condolensque lacrimis eorum, ait: 'Dicite mihi, quaeso, quid huic puero contigit, ut ab hac luce migravit?' At illi prae timore nihil respondentes, a famulis apostolus haec audivit: 'Dum esset', inquit, 'iuvenis iste in cubiculo solus, advenerunt subito septem canes et inruerunt in eum. Ab his igitur miserrime discerptus, caecidit et mortuus est'. Tunc beatus Andreas suspirans et in caelum oculos erigens, cum lacrimis ait: 'Scio, Domine, quia daemonum eorum fuit insidia, quos expuli a Nicea urbe. Et nunc rogo, Iesu benigne, ut resuscites eum, ne congaudeat adversarius humani generis de eius interitu'. Et haec dicens, ait ad patrem: 'Quid dabis mihi, si restituero tibi filium tuum salvum?' Et ille: 'Nihil eo habeo pretiosius, ipsum enim dabo, si ad vitam surrexerit te iubente'. Beatus vero apostolus iterum, expansis ad caelum manibus, oravit, dicens: 'Redeat, quaeso, Domine, anima pueri, ut, isto resuscitato, relictis cuncti idolis ad te convertantur, fiatque eius vivificatio salus omnium pereuntium, ut iam non subdantur morti, sed tui effecti, vitam mereantur aeternam'. Respondentibus fidelibus: 'Amen', conversus ad feretrum ait: 'In nomine Iesu Christi, surge et sta super pedes tuos'. Et statim, ammirante populo, surrexit, ita ut omnes qui aderant voce magna clamarent: 'Magnus est deus Christus, quem praedicat servus eius Andreas'. Parentes enim pueri multa munera dederunt filio suo, quae beato apostolo obtulit; sed ille nihil ex his accepit. Puerum tantum secum usque ad Macedoniam abire praeciens, salutaribus verbis instruxit.

Chapter 24

Post deambulationem vero cum sedisset, sedebant et singuli qui cum eo erant super arenam, audientes verbum Dei. Et ecce cadaver enectum in mari proiectum est ante pedes apostoli in litore. Tunc sanctus Andreas apostolus exultans in Domino, ait: 'Oportet hunc resuscitari, ut cognoscamus, quid in eum adversarius est operatus'. Et fusa oratione, tenens manum mortui, erexit illum, et statim revixit et loquebatur.

- 5 daudan ok sa harmr skal mik til bana leida. Andreas postoli heyrði kall hennar ok
 harm ok rann huggêði ahann þa sem auallt jnaudsyn manna ok mælti hann sua:
 Bid ek at ér segit mir huersu at bar um andlat sueins þessa. Fadir sueinsins ok
 modir mattu eigi suara fyrir harmi enn þionar þeira sôgdu at hann hafði einn
 10 saman stadið j husi nockuru litlu ok hôfðu hundar .vij. olmir komit at honum ok
 bitit tilbana: þa er andreas postoli heyrði þat þa þa [sic] uarp hann miok ôndunni
 ok renndi ôgum til himins upp ok mælti með tárur: þat ueit ek at sônnu, drottin
 at dioflar þeir hafa um hann setit ok honum banat er ek rak fra odum manni
 jnicea borg. Enn nu bid ek þik lofligr gredari at þu uekir hann upp at eigi fagni
 15 ouinr mannkyns dauda hans. Sidan mælti hann uid fôður sueinsins: huat uilltu
 gefa mir ef ek gæld þer apr sueinin. hann suaradi: ecki hefi ek til dyrligra at gefa
 þer enn sueinn ef hann ris upp til lifs at þinu bodordi: þa retti andreas postoli
 hendr sinar til himins ok bad til Guds, ok mælti: Bid ek þic drottin at huerfi ônd
 sueins þessa til likams, at þa er hann lifir snuiz hann ok margir adrir til Guds at
 20 fyrir latnum skurdgodu ok huerfi hann lifs giof til andarheilsu ollum monnum at
 eigi uerdi þeir dauda þrêlar helldr uerdi þeir Guds menn ok nai eilifu lifi. Enn er
 cristnir menn sôgdu amen, þa sneriz Andreas postoli til baranna ok mælti: Jnafni
 drottins iesu xrists, ris upp þu ok statt a fêtr; þa reis sueinnin þegar upp heill.
 Enn allir undruduz þeir er hia uoru ok kôlludu einni rôddu ok mæltu: Micill gud
 25 er kristr sa er andreas postoli bodar: þa toku frendr sueinsins margar gíafir ok
 ferdu honum enn hann ferdi allar postolanum enn hann uilldi ôngar þiggia fyrir
 iarteinir helldr skirdi hann þann lyd allan er j þeiri borg uar með fullri tru ok
 iatnningu heilagrar þrenningar. Enn suein þenna hafði andreas postoli abrautt
 með ser til macedoniam borgar ok kenndi honum frodleik ok gerdiz hann
 30 lerisueinn postolans.

[No Heading]

- Þa er andreas postoli geck leidar sinnar um dag með sêuar ströndu ok
 lêrisueinar hans með honum ok êtladi til macedoniam, þa bar sua at, at siorin
 kastadi upp liki einu fyrir fêtr postolanum ok al nôcktu. Guds postoli uard gladr
 30 uid þenna atburð ok mælti: þat byriar oss at reisa þenna mann af dauda at uer
 uitim huers hattar madr hann hefir uerit. Sidan fell andreas postoli til bēnar ok
 bad til Guds. Eptir þat tok hann j hond enum dauda ok lypti honum upp ok lif-

21-23 fyrir iarteinir ... þrenningar: this addition is found in the other MSS. 27 The
 previous chapter in G.T. ends with Lesbius walking on the shore at Patras with Andrew, and so
 chapter 24 opens with the two men and others sitting on the sand and listening to the word of God.
 As the Icelandic versions have cut the preceding chapters, they have to make Andrew (D adds *ok*
lêrisueinar) walk along the seashore, purposing to go to Macedonia. 29 *ok al nôcktu*: F has *til*
loks noktu, though G and H omit the phrase.

Cumque nudus esset, dedit ei tunicam, dicens:

‘Dic nobis ordinem, expone omnia quae contigerunt tibi’.

At ille respondit: ‘Nihil tibi occultabo, quicumque sis homo. Ego sum Sostrati filius civis Machedonis, qui nuper ab Italia adveni. Sed cum redissem ad propria, audiui doctrinam surrexisse novam, quam nullus hominum prius audivit, sed et signa prodigiaque ac medelas magnas fieri a quodam doctore, qui se veri Dei adfirmat esse discipulum.

Ego autem, cum haec audissem, properavi, ut eum videre possim; non enim aliud arbitrabam, nisi ipse esset Deus qui talia ageret. Cumque navigarem cum pueris et amicis meis, subito orta tempestas, commoto mari, obpraessi fluctibus sumus.

Et utinam simul proiecti fuissetus, ut et illi resuscitati fuissent a te sicut et ego!’

Et haec dicens,olvebat multum in corde suo et arbitrabatur, quod ipse esset apostolus quem quaerebat. Et procidens ad pedes eius, ait:

‘Scio, quia tu es famulus Dei veri. Rogo pro his qui mecum fuerunt, ut et ipsi, te inpertiente, vitam mereantur, ut cognoscant Deum verum, quem praedicas’. Tunc sanctus apostolus repletus Spiritu sancto, praedicabat ei constanter verbum Dei, ita ut miraretur puer super doctrina eius. Et expansis manibus, ait: ‘Ostende, quaeso, domine, et reliquorum cadavera mortuorum, ut et ipsi cognoscant te Deum verum et solum’. Haec eo dicente, statim apparuerunt 30 et 9 corpora ad litus, unda famulante, devecta.

Tunc, flente iuvene, omnes simul flere coeperunt, prostratique ante pedes apostoli, rogabant, ut et isti resuscitarentur. Sed et Philopater — hoc enim erat nomen pueri — dicebat: ‘Genitor meus per bonam voluntatem, inpositis necessariis, cum magna pecunia misit me huc. Nunc autem, si audierit quae mihi contigerunt, blasphemat Deum tuum et doctrinam eius refutat. Sed absit, ut ita fiat’. Flentibus autem omnibus, rogavit apostolus, ut congregarentur corpora simul; sparsim enim proiecta fuerant. Congregatis igitur omnibus in unum, ait apostolus: ‘Quem vis prius resuscitari?’ At ille dixit: ‘Warum conlactaneum meum’. Tunc flexis in terram genibus palmisque extensis ad caelum, diutissime oravit, cum lacrimis dicens: ‘Iesu bone, resuscita hunc mortuum, qui cum

- nadi hann þegar. Enn er hann uar nôckuidr, þa gaf postoli honum kyrtil sinn ok mælti Segdu oss til farar þinar ok allan atburd sua nafn þitt ok kynferdi: hann suaradi: Eigi mun ek þik leyndu huatki at manna ek em. Ek heiti filopatr. Ek em son sostrati gôfugs mannz or macedoniam borg. Ek hafda nyliga heim komit af
- 5 jtalía landi til fôdurlands mins. Enn er ek kom heim þa heyrda ek sagt fra kenningu þeiri er nu er framferd er engi hafdi heyrþa þuiliika fyrr. enn sa er fram bar talþiz uera lêrisueinn ins sanna guds. Nuer ek heyrþa sôgd môrg takn fra honum ok lêknningar er hann ueitti eigi með grasa dryckium ne skornningu iarns eda audrum lêknningar braugdum likamligum helldr greddi hann með ordi einu allar
- 10 sôttir bêdi at hann gaf syn blindum enn heilsu likþram dôfum heyrn enn hôlltum gôngu ok rak diofla fra odum ok gaf lif daudum þa fystumz ek at sia hann þuiat ek êtlada eigi annat enn hann mundi sialfr gud uera er slika hluti gerdi. Enn þa er ek siglða með fôrunôtum minum ok uitnum ok uoru uer .xl. manna a skipi, þa gerdi at oss sêuar storm mikin sua at skipit kafdi undir oss ok huelfi ok druknudu
- 15 uer allir enn beraz mêtiti sua uelat at upp kastadi likum þeira slikt sem mer at þeir ueri allir lifgadir af þer sua sem ek. Enn er hann hafdi þetta mælt, þa stôð hann ok sa apostolan ok hugsadi j hug ser at þar mundi komin sa hinn sami Guds madr er hann hafdi leitad ok fell til fota postolanum ok mælti: Veit ek at sônu at þu ert Guds madr. Nu bid ek þic at þu bidir fyrir þeim er með mer foru at þeir
- 20 lifni ok megi kenna sannan gud, þann er þu bodar. þa tak andreas postoli fullr af helgum anda at kenna honum berliga Guds ord enn sueinnin undradiz miok kenning hans. Eptir þat hellt sêll andreas postoli hôndum tilhimna ok mælti: Bid ek þik drottin iesu xristr at þu synir lik þessarra manna er foru með filopatre at þeir megi þic kenna sannan gud. Enn er Andreas postoli hafdi þetta mælt, þa saþeir
- 25 þegar likin ôll einu midr enn .xl. fliota at landi ok upp kasta her ok huar alandit. þa tok enn ungi madr at grata ok allir þeir er uid uoru staddir lêrisueinar postolans ok fella allir til fota honum ok mæltu með tarum at hann gefi þeim ôllum monnum lif j Guds nafni. Enn in ungi madr filopatr mælti sua: fadir min sendi mik hingat með miclu fe fyrir goduilla sakir ok godu foruneyti. Enn nu er
- 30 hann spyr þenna atburd farar minar ok manntion þa mun hann lasta gud þin ok mun hann fordaz kenning þina. En eigi uillda ek at sua yrði. En er þeir badu allir miok, þa mælti postoli at saman skyllði samna likum þeira ieinn stad fyrir þui at þeim hafdi dreift upp kastat. Ok er þeim uar safnat saman, þa mælti andreas postoli uid in unga mann filopatrem ok spurdi huern hann uilldi furstan upp reisa
- 35 af dauda. hann suaradi: Gnaram fostbrodur min: þa fell postolin akne ok hellt

5 til fôdurlands mins: cf. F til fôður mins. 13 uitnum is probably a mistake for uinum. 29 godu foruneyti: cf. F nýtsamliga hluti til þessar farar. Apparently D takes 'necessarii' to be from the masc. noun meaning relative, kinsman, friend. 33 F keeps the Latin direct speech which D makes indirect. 35 Gnaram: this misreading of G.T. 'Warum' or 'Wicaram', Abdias 'Varum', is found in all Icelandic versions of *And. I.*

Philopatore nutritus est, ut cognoscat gloriam tuam, et magnificetur nomen tuum in populis'. Et statim surrexit puer, et admirabantur omnes qui aderant. Apostolus autem iterum super singulos orationem fundens, ait: 'Quaeso, domine Iesu, ut et isti resurgant, qui de profundo aequoris sunt delati'. Tunc iussit fratribus, et unusquisque tenens mortuum diceret: 'Resuscitat te Iesus Christus, filius Dei vivi'.

Quod eum factum fuisset, suscitati sunt 30 et 8, et glorificaverunt Deum qui aderant, dicentes: 'Non est similis tibi, Domine'. Lysbius vero multa munera obtulit Philopatori, dicens: 'Non te contristet amissio facultatum, nec recedas a famulo Dei'. Et erat semper cum apostolo, intendens omnibus quae dicebantur ab eo.

Chapter 30

Veniens vero beatus apostolus Patras civitate, in qua proconsul Egeas erat, qui nuper Lysbio successerat, et accessit ad eum quaedam mulier Efidama nomine, quae ex doctrina Sosiae cuiusdam apostolici discipuli iam conversa fuerat, et amplectens pedes beati apostoli, ait: 'Andreas sanctae, rogat te domina mea Maximilla, quae magnis febribus retenetur, ut accedas ad eam, libenter enim vult audire doctrinam tuam. Nam et proconsul, coniux eius, stat ante lectulum, flens gladiumque in manu tenens, ut, cum illa spiritum exalaverit, iste se mucrone perfodeat'. At ille, praecedente Effidima, venit ad cubiculum in quo mulier iacebat incommoda, et videns stantem praesidem cum evaginato gladio, ait: 'Nihil tibi nunc mali feceris, sed reconde gladium tuum in locum suum. Erit enim tempus, quando ad nos exerendus erit'. Sed nihil intellegens praesis, dedit accedendi locum. Tunc apostolus veniens ante lectum infirmæ, facta oratione, adpraehendit manum eius, et statim sudore perfusa est mulier, et discessit ab ea febris, iussitque ei apostolus dare cibum. Proconsul autem centum argenteos obtulit sancto Dei, quos ille nec aspicere voluit.

hòndum til himna ok bad til Guds með tarum ok mælti: þu godr grêdari reis upp þu þenna inn dauda mann, fóstbrodur filopatri at hann kenni dyrd þína ok lofi nafn þitt fyrir lydnum. þa reis hann upp þegar ok undruduz allir þessa iartein, þeir er uid uoru staddir. Eptir þat fell andreas postoli akne hia serhuerium þeira
 5 ok mælti: Bid ek þic drottin iesus xistr at þessir risi upp allir af dauða er dreifdir hòfdu uerit um diup sęuar Sidan baud andreas postoli lêrisueinum sinum at huer þeira skyldi taka j hònd eins huersinna daudu manna ok mēla sua: Veki þic upp, iesus xistr, sonr guds lifanda. En er þeir gerdu sua þa lifnadu þeir allir tueim midr enn .xl. ok dyrkudu gud ok mæltu: Engi er þer likr drottin. Sidan toku þeir
 10 tru skirn allir forunautar andrea postola. Eptir þat beiddi filopatr andrea postola at fara til macedoniam borgar at kristna fôdur hans ok þann lyd allan er j þeirri borg uar. Enn postoli for at bēn hans til macedoniam borgar ok kristnadi sostraum[sic] fôdur filopatri ok alla uini hans ok allan lyd af kenningu Guds orða ok iarteinum þessum er nu uoru sagðar ok mǣrgar adrar.

15 af maximille

Þa er andreas postoli kom til patras borgar j achaia heradi þar red fyrir borginni iarll sa er egeas het hann hafði þa nyliga þat uelldi tekit eptir þat er sa iarll hafði andaz er lisibus het Þa geck til mals uid postolan kona su er effidima het. hon uar kristin ok hafði tru tekit af kenningu sosias er uar einn af enum for-
 20 num lêrisueinum kristz. hon fell til fota postolanum ok kysti fêtr hans ok mælti: Heyrdu, andreas postoli: drottning min maximilla kona iarlls bidr at þu komir til hennar þuiat hon hefir ridu sott micla sua at hon er ner at bana komin. Enn hon uill giarna heyra kenning þína. Enn egeas iarll buandi hennar stendr fyrir reckiunni gratandi með brugu suerdi ok êtlar þegar at leggja suerþinu j gegnum
 25 sik ef hon andaz. Sidan gekk effidima fyrir postola til hus þess er maximilla uar inni. Enn er þau komu þar þa sa þau hvar jarllin stod ok mælti postolinn þessa kostar uid hann: Gerðu þer ecki illr, helldr hirðu suerd þitt j slidrum, þuiat koma mun su tid er þu munt uid oss keppa ok oss amot beriaz. Jarlin skildi eigi huat postolinn mælti ok gaf honum rum at ganga. Enn er postolinn kom at reckiu
 30 hennar þa fell hann til bēnar ok sidan tok hann j hònd maximille en þegar sueitiz hon ôll ok þui nêst tok af henni alla ridu sott. postoli mælti þa at henni skyldi fa fêzlu. Enn jarll forði andrea postola .c. penninga silfrs. Enn hann uilldi eigi til lita ne fe þiggja fyrir iarteinar þa sem fyrr. Sidan for jarll abraut or borgine erenda sinna of riki sitt. Enn maximilla drottning tok tru ok skirn af andrea
 35 postola ok unni mikit gudi ok hellt hreinlifi meðan hon lifdi.

6-14 These lines are a précis of G.T. chapter 26, but in the Latin version the events take place in Corinth not Macedonia. 13 *sostraum*: a slip for *sostratum*. 33-35 All the Icelandic MSS. have this summary of part of the information contained in G.T. chapter 35: '... proconsul discesserat a Patras et abierat in Machedonia. Magna enim indignatione succensus erat contra apostolum, eo quod Maximilla, uxor eius, post acceptum salutis verbum non ei coniungebatur'. This is one of the traces of a possible Gnostic origin for G.T..

Passio sancti Andreae apostoli (The Latin Letter)

Passionem sancti Andreae apostoli quam oculis nostris uidimus omnes presbiteri et diacones ecclesiarum Achaiae scribimus uniuersis ecclesiis quae sunt in oriente et occidente et meridiano et septemtrione in Christi nomine constitutis: pax uobis et uniuersis qui credunt unum deum in trinitate perfectum, uerum patrem ingenitum, uerum filium unigenitum, uerum spiritum sanctum procedentem ex patre in filio permanentem, ut ostendatur unus spiritus esse in patre et filio et hoc esse unigenitum filium quod est et ille qui genuit. hanc fidem didicimus a sancto Andrea apostolo domini nostri Iesu Christi, cuius passionem, quam coram positi uidimus, prout possumus explicamus.

Chapter 2

Proconsul itaque Aegeas Patras ciuitatem ingressus coepit compellere credentes Christum ad sacrificia idolorum. cui occurrens sanctus Andreas dixit: Oportebat ut tu qui iudex esse hominum meruisti iudicem tuum qui est in caelo cognosceres et agnitum coleres et colendo eum qui uerus deus est ab his qui ueri dii non sunt animum reuocares. Cui Aegeas dixit: Tu es Andreas qui destruis templa deorum et suades hominibus ad superstitiosam sectam quam nuper detectam Romani principes exterminari iusserunt? Andreas respondit: Romani principes nondum cognouerunt hoc quod pro salute hominum ueniens dei filius docuerit ista idola non solum deos non esse, sed esse daemonia pessima et inimica humano generi, quae hoc docent homines unde offendatur deus, et dum offensus fuerit auertatur et non exaudiat, et cum auersus fuerit et non exaudierit habeantur a diabolo ipsi captiui, et tamdiu eos deludat quamdiu de corpore exeant rei et nudi nihil secum praeter peccata portantes. [Chapter 3] Aegeas dixit: Ista superstitiosa et uana uerba Iesus uester dum praedicaret, Iudaei illum crucis patibulum adfixerunt. [From *Conversante* l. 374/11 ff. Andreas respondit: 'adhuc enim, cum esset dominus maiestatis, descendit de caelo, hominis formam suscepit qui primus perierat, sponte pati dignatus est, ut eum quem ipse fecerat de morte liberaret.']

historia

Þat er upphaf afornum bokum at pislar sôgu andreas postola at sua mêlir sa er setta hefir sôguna: Fridr se ydr ôllum kristnum monnum er settir ero jkristz nafni j austri ok iuestri jnordri ok isudri ok ôllum þeim er trua aeinn gud jalgiorri þren-
 5 ningu sannan fôdur ogetin sannan son eingetin af fedr sannan helgan anda fra faranda af fedr ok syni ok þann fôdur allmatkkan truum uer allan einn uera er gat son ok eingetin son er getin er af almatkum fedr. Enn þessa tru namum uer af andrea postola drottins uars iesu xristz, segir sa er fyrst hefir dicktat sôguna ok bédi kuaz sed hafa allar pislir hans ok þrautir ok heyrðum uer kenningar hans
 10 segir hans [sic] ok megum uer fyrir þui fra segia at uer uitum sannleik a.

capitulum

Heilagr andreas postoli kristnadi allan lyd j borginni patras sidan er hann hafdi gredda maximillam af ridu sott þuiat hann hafdi adr farit umallt grickland ok gert miclar iarteinir j nafni drottins ok sneri huern dag môrgum lyd frablotum
 15 skurðgoda til retrar truar. Daudum gaf hann lif enn blindum syn ok rak diôfla fra odum monnum. þa skutu blotmenn fe saman ok gafu iarllinum egeas ok mæltu: Sidan er andreas postoli kom hingat til landz þa letr hann eigi menn hallda lôg konunga ok fera eigi fornir godum. Þa tok jarl uid fe þeira ok bad taka andream postola ok leida fyrir domstol sin ok er hann kom tilborgarinnar patras, þa tok
 20 hann þegar at neyda menn til blota. Enn heilagr andreas postoli geck amot honum ok mælti: þat samir þer er þu ert domandi manna at þu kennir domanda þin þann er ahimnum er ok kunnir þu sannan gud enn kallir hug þin fra þeim er eigi ero sannan gud. Egeas mælti: Huer er hin sanni. andreas mælti Enn sanni er ahimni þar er lios rennr upp, þat er rekr uillu myrkr enn er siatt eigi liosit þuiat
 25 er êtlit þat gud uera er steinar ero ok tre. Romaborgar hôþþingiar uita eigi þat at sonr Guds kom hingat til hialpar monnum ok sagdi skurðgod þessi eigi gud uera helldr ena uerstu diofla ok ouini allz mannkyns þa er þess eggia menn at gera þat er gud reidiz þeim ok huerfi Gud fra þeim ok heyri eigi bèn þeira. Enn er gud huerfr fra þeim þa uerda þeir herteknir af diofli unz fara ut or likômum sinum
 30 sekir ok syndgir ok hafa þa ecki með ser nema syndir einar. Egeas mælti: þa er

12-18 I cannot find a Latin source for these lines but cf. *Post.*, p. 374/27 ff.

Andreas respondit: O si uellis scire misterium crucis, quam rationabili caritate auctor humani generis pro restauratione nostra hoc crucis patibulum non inuitus sed sponte suscepit! Aegeas dixit: Cum traditus adseratur a suo discipulo et a Iudaeis tentus et praesidi adductus et ad petitionem Iudaeorum a militibus praesidis crucifixus, quo modo tu dicis eum spontaneum crucis subisse patibulum? Andreas respondit: Ideo ego dico spontaneum quoniam simul cum ipso fui cum a suo discipulo traderetur et antequam traderetur dixit nobis quod tradendus esset et crucifigendus pro salute hominum et die tertia resurrecturum se esse praedixit. cui cum frater meus Petrus diceret: Propitius esto tibi domine, non fiat istud, indignatus sic ait Petro: Vade retro Satanas, quia non sapis ea quae sunt dei. Et ut plenius nos instrueret quoniam sponte passionem susciperet, dicebat nobis: Potestatem habeo ponendi animam meam et potestatem habeo iterum adsumendi eam. Ad ultimum dum cenaret nobiscum et diceret: Vnus uestrum me traditurus est, et ad istam uocem omnes contristaremur, ne suspensus cogitatio trucidaret, ait: Cui dederō panis fragmentum de manu mea, ipse est. Et cum dedisset uni ex condiscipulis nostris et futura quasi praeterita iam narraret, docuit se uoluntate fuisse traditum, cum nec traditorem fugiendo deseruit et in loco quo sciebat illum uenturum esse permansit. [Chapter 4] Aegeas dixit: Miror te prudentem uirum istum uelle sectari quem quoque pacto, aut sponte aut inuitum, cruci tamen confiteris adfixum. Andreas respondit: Hoc est quod etiam me dixisse iam retines. magnum est misterium crucis. quod si forte uolueris audire retexam. Aegeas dixit: Misterium non potest dici sed supplicium. Andreas respondit: Ipsum supplicium misterium restaurationis humanae, si patienter audias, conprobabis. Aegeas dixit: Ego quidem patienter te audiam. sed tu si me obtemperanter non audias, ipsum crucis misterium in te ipsum retorqueam. Andreas respondit: Ego si crucis patibulum expauescerem, crucis gloriam non praedicarem. Aegeas dixit: Insanus sermo tuus praedicat gloriam supplicii, qui per audaciam poenam non times mortis. Andreas respondit: Non per audaciam sed per fidem poenam non timeo mortis. mors enim iustorum pretiosa est, mors uero peccatorum pessima. et ideo audire te uolo crucis misterium, ut agnitum forsitan credas et credens ad restaurationem tuae animae quoquo pacto pertingas. Aegeas dixit: Restauratur hoc quod perisse docetur. numquid anima mea periit, ut ad eius me restaurationem uenire per fidem nescio quam tu adseras?

- iesus yduar bodadi þessi enn sômu ord þa krossfestu gyþingar hann fyrir þat. Andreas suaradi: Drottinn allz ualldandi let ser soma at stiga nidr afhimni ok taka mannz likama asig uar hann uiliandi pindr tilþess at hann leysti fra dauda en fyrsta mann er fariz hafdi ok hann let tilþess pinaz einn fyrir ôllum at hann têki af
- 5 oss ôllum qualir ok syndir. Egeas mælti: Ef hann tok qualir af ollum fyrir hui ero þer [sic] þa opt môrgum pislum pindir er a hann trua. Andreas suaradi: Uer erum fusir at taka pislir fyrir Guds nafni þuiat uer uitum annat lif ok truum at þat er satt. Enn ef þu uilldir uita takn krossins þa munda ek segia þer ok huersu skynsamligri ast skapari allz mannkyns tok þessa pisl asig uiliandi enn eigi naudigr til
- 10 heilsu uorarr. Egeas mælti: Eigi ma ek þat skilia huersu hann uar uiliandi pindr þar er hann uar selldr af lerisueini sinum ok hõndladr af gyþingum ok leiddr fyrir pilatum jarl ok krossfestr af riddôrum iarlansins at radi gyþinga. Andreas suaradi: Þui segi hann uilianda pindan at ek uar meþ honum þa er hann uar selldr af lërisueini sinum ok sagdi oss enn hann ueri selldr at hann mundi selldr uera ok
- 15 krossfestr tillausnar monnum ok risa upp apridia degi. Þa mælti petrus brodir min uid hann: Miskunnadu þer drottinn at eigi uerdi þat. Þa reiddiz hann petro ok mælti: Huerf aptr þu þuiat þu skilr eigi þa hluti sem Guds ero. Aenum efsta aptni er uer uorum allir þa sagdi hann at einn uorr mundi selia hann uid uerdi. þa urdum uer allir ryggir enn hann uilldi eigi þat lata uerda uora rygd ok mælti: Sa
- 20 mun mik selia er ek sel nu braud j hõnd. Þa sagdi hann o ordna hluti sua sem lidna ok syndi þat at hann uar at uilia sinum pindr ok sua selldr þuiat hann fordadiz eigi þann stad er hann uissi at hann mundi selldr uerda. Egeas mælti: Undrumz ek þat er þu sua spakr madr skalt uilia trua a þann mann er þu sialfr segir krossfestan uera huart sem þat uar at uilia hans eda ouilia. Andreas suaradi: Þat
- 25 sagda ek þer at mikit er takn krossins ok mun ek þat enn skyra fyrir þer efþu uillt til lyda. Egeas mælti: Ek mun þolinmodliga lyda. Enn ef þu uill eigi at mer lata þa muntu sialfr taka aþer þetta krossmark er þu lofar. Andreas suaradi: Eigi munda ek þer boda dyrd krossins efek rêddumz pisl hans. Egeas mælti: Oramal er þat atkalla þat dyrd er kuôl er ok þu ert sua diarfr at þu rêdiz eigi daudan. An-
- 30 dreas suaradi: Eigi af dirfd helldr af tru redumz ek eigi daudan þuiat daudi retlatra er dyrligr enn daudi syndugra er enn uersti. Enn af þui uil ek at þu heyrir takn krossins at þu megir trua ason Guds ok koma til endrbotar andar þinar. Egeas mælti: Þat kalla menn endrbot er spillt hefir uerit enn ek ueit eigi at ônd min hafi spillt uerit at hon þurfi endarbotar.

1 *sômu ord*: this must be a mistake for the *tômu ord* of the other MSS. 5-8 These lines are not in the Latin versions and this part of *Andreas saga postola II* is missing. 31 *dyrligr*: F's *dyrmætari* is probably a slip for *dyrmætr*, a better translation than D's.

[Chapter 5] Andreas respondit: Hoc est quod te dicere desiderabam, ut dum perditas animas omnium hominum docuero, istam restaurationem earum per crucis misterium pandam. primus enim homo per lignum praeuaricationis mortem induxit, et necessarium hoc erat generi humano ut per lignum passionis mors quae ingressa fuerat pelleretur. et quoniam de immaculata terra factus fuerat homo primus, qui per lignum praeuaricationis mundo mortem intulerat, necessario de immaculata uirgine natus perfectus homo, in quo dei filius, qui primum hominem fecerat, mixtus, uitam aeternam, quam perdiderant per Adam homines, repararet ac de ligno crucis lignum concupiscentiae excluderet, panderet in cruce immaculatas manus pro manibus incontinenter extensis, pro suaui cibo arboris uetitae escam fellis acciperet, et in se suscipiens mortalitatem nostram suam nobis immortalitatem inferret.

[Chapter 6] Aegeas dixit: Ista uerba illis narrare debes qui tibi credunt, mihi autem nisi hoc consentias ut sacrificium diis omnipotentibus offeras, in ipsa cruce quam laudas te fustigatum adfigi praecipiam. Andreas respondit: Omnipotenti deo, qui unus et uerus est, ego omni die sacrifico, non turis fumum nec taurorum mugientium carnes nec hyrcorum sanguinem, sed immaculatum agnum cotidie in altare crucis sacrifico, cuius carnes posteaquam omnis populus credentium manducauerit et eius sanguinem biberit, agnus qui sacrificatus est integer perseuerat et uiuus, et cum uere sacrificatus sit et uere carnes eius manducatae sint a populo et uere sanguis eius sit bibitus, tamen ut dixi integer permanet et immaculatus et uiuus. Aegeas dixit: Quomodo potest hoc fieri? Andreas respondit: Si uis discere quomodo potest hoc fieri, adsume formam discipuli, ut possis doceri quod quaeris.

Aegeas dixit: Ego a te tormentis exigo huius rei notitiam.

Andreas respondit: Miror te hominem prudentem tam stulte locutum. ergo tu tormentis putas me tibi diuina pandere sacrificia? audisti mysterium crucis, audisti mysterium sacrificii. si credideris Christum filium dei, qui crucifixus est a Iudaeis, uerum deum esse, pandam tibi quo ordine occisus uiuat agnus qui cum sacrificatus fuerit et comestus integer tamen et immaculatus in suo regno permaneat. Aegeas dixit: [From MS. V: Et quomodo agnus [MS U: integer] in suo regno permanet]cum sit occisus et ab omni populo ut adseris deuoratus? Andreas respondit: Si credideris ex toto corde tuo, discere poteris. si non credideris, penitus numquam tu ad indaginem huius ueritatis adtinges. [Chapter 7] Tunc iratus Aegeas iussit eum in carcerem trudi. ubi cum esset clausus, uenit ad eum multitudo paene totius prouinciae ita ut Aegeam uellent occidere et Andream apostolum fractis ianuis carceris liberare. quos sanctus Andreas his uerbis amonuit: Nolite quietem domini nostri Iesu Christi in seditionem diabolicam excitare. nam traditus dominus omnem patientiam praebuit, non contendit, non clamauit, nec in plateis aliquis eum clamantem audiuit. habete ergo silentium

Andreas suaradi: En fyrsti madr er allra dauda olli af syndgirndar tres hann uar skapadr or osaurgri iordu. Enn þat uar ok audsynt at fraosaugadri meyi leti beraz gud ok madr sa er skop enn fyrsta mann ok leiddi mannin til lifs þess er hans [sic] hafdi ok bœtti þat a crosstre er misgert uar agirndar tre.

- 5 Enn hann rette hreinar hendr sinar a krossi ok uar honum gefit eittr at drecka at hann bœtti þat apislartre er hendr adams toku sêta fêzlu abônndu tre. Dauda uarn tok hann asig ok gaf oss lif sitt. Egeas mælti: þessi ord mattu segia þeim er þer trua enn ek mun latta þic festa akross þann er þu lofar nema þu latir at mer ok blotir godum uorum almatkum. Andreas suaradi: Einnum sônnum almatkum
- 10 gudi feru ek huern dag forn til alltaris, eigi gridunga horn ne hafra blod helldr flekk laust lamb. Enn þa er lydrin hefir holld þess etit ok blod þess drukkit þa er þat lamb heillt ok lifanda er sêft uar.

- Egeas mælti: Ek mun með þisum heimta af þer frasôgn þessa. Andreas suaradi: Undrumz ek þat þar er þu skyllir spakr madr heita er þu ert olltin j sua micla
- 15 heimsku at þu hygz mun mic neyda til þess at segia þer takn Guds. heyrdir þu takn krossins ok heyrdir þu takn fornarinna. En ef þu truir krist uera sannan guds son þann er gyþingar krossfestu þa mun ek segia þer huersu þetta lamb lifir heillt ok flecklaust j ríki sinu er sêft er ok etit ok blod þess drukkit af lydnum. Egeas mælti: Huersu ma þat lamb uera heillt j ríki sinu ef þat er sêft ok etit sem
- 20 þu segir. Andreas suaradi: Ef þu truir af ôllu hiarta þa matt þu þat uita enn ef þu truir eigi þa mattu þess alldri uis uerda. þa reiddiz Egeas ok let setia andream postola j myrkua stofu. Enn þa kom þangat allr herads lydr ok uilldu drepa jarl enn briota upp myrkua stofuna ok leida abrott postolann.
- Enn andreas postoli mælti uid þa: Eigi skulu þer snua hogueri drottins
- 25 jdiôfuligan ofrid, þuiat drottin syndi oss alla þolinmêdi þa er hann uar þindr. eigi

10 *horn*: this must be a mistake for the *hold* of the other MSS.

quietem et pacem, et non solum meum martyrium nolite impedire, uerum etiam uos ipsos quasi adletas domini praeparate ut uincatis minas intrepido animo, plagas autem per tollerantiam corporis superetis. si enim terror timendus est, ille est utique metuendus qui finem non habet. nam humanus timor fumo similis est et subito cum excitatus fuerit euanescit. et si dolores timendi sunt, illi sunt formidandi qui sic incipiunt ut numquam finiantur. isti enim dolores aut leues sunt et tolerari possunt aut graues sunt et cito animam eiciunt. illi autem dolores aeterni sunt ubi est cotidianus fletus et mugitus et luctus et sine fine cruciatus, ad quem Aegeas proconsul ire non timet. estote ergo magis parati ad hoc ut per tribulationes temporales ad aeterna gaudia pertingatis, ubi semper laetemini semper floreatis semperque cum Christo regnetis. [Chapter 8] Haec et his similia sancto Andrea apostolo per totam noctem populum admonente dum lux diei in matutino prorumperet, misit Aegeas et adduxit ad se sanctum Andream ac sedens pro tribunali dixit: Existimaui te nocturna cogitatione reuocare animum tuum ab stultitia et a Christi tui laude cessare, ut possis nobiscum non amittere gaudia uitae. stultum est enim ultro uelle ad passionem crucis ire et ignibus ac flammis te ipsum pessimis destinare. Andreas respondit: Gaudia tecum habere potero si credens Christum amittas culturas idolorum. Christus enim me misit ad istam prouinciam in qua non paruum populum ei adquisiui. Aegeas dixit: Ideo te sacrificare conpello ut isti qui per te decepti sunt populi relinquant uanitatem tuae doctrinae et ipsi diis offerant grata libamina. nulla enim remansit in Achaia ciuitas in qua non templa deorum derelicta sint et deserta. nunc ergo per te iterum restauretur cultura deorum, ut et dii qui contra te irati sunt placari possint, et in nostra possis amicitia permanere. sin alias, diuersa pro defensione deorum patieris supplicia et post omnia crucis quam laudasti patibulo suspensus deficies. Andreas respondit: Audi filius mortis et stipula aeternis parata incendiis, audi me seruum domini et apostolum Iesu Christi. nunc usque mitius tecum egi censura fidei, ut rationis capax ueritatis defensor effectus idola uana contempneres et deum qui in caelis est adorares. sed quia in inpudentia tua perdurans me putas minas tuas posse formidare, quicquid tibi uidetur in suppliciis magis excogita. tanto enim meo regi ero acceptior quanto pro eius nomine fuero permanens in tormenta confessor. [Chapter 9] Tunc Aegeas iussit eum flagellis caedi extensum. quique cum septem terniones transisset, eleuatus est atque adductus ante eum. cui Aegeas dixit: Audi me Andreas et ab effusione tui sanguinis consilium reuoca. quod si non feceris, crucis te faciam interire patibulo. Andreas respondit: Ego crucis Christi seruus sum et crucis tropheum optare potius debeo quam timere. tibi autem cruciatus aeternus qui debetur poteris euadere si postquam probaueris perseuerantiam meam uel sic credideris Christum. ego enim de tuo interitu timeo, non de mea passione conturbor. passio enim mea aut unius diei spatium occupat aut duorum ut multum. tuus autem cruciatus nec per milia annorum potest peruenire ad finem. unde desine iam miseras tuas augmentare et ignem tibi tu ipse aeternum accendere.

- þrêtti hann ne kalladi ok eigi uar kall hans heyrta a stretum. hafi þeir [sic] frid ok
 þolinmêdi ok duelit eigi pisl mina, helldr bui þer ydr sialfa til at þer megit stiga
 yfir uondra manna ognir ok pislir með oskialfanda hug ok þolinmêdi. Ef nockur
 ogn er uggandi þa er su er eigi hefir enda þuiat ognir manna ero likar reyk ok
 5 hefiaz bratt ok eydaz bratt. Ef nôckurar pislir ero ogurligar, þa ero þer er sua
 hefiaz upp at eigi endaz, enn þessa heims pislir ero lettir ok megum uer þer
 auduelliga standaz. Enn ef þer ero þungar, þa uerdr bratt eptir þer. Annars heims
 pislir ero eilifar þar er huern dag gratr ok op ok kuôl an enda. þa rediz eigi jarl.
 Ueri þer ok þa bunir brêdr minir at standaz stundligar pislir at þer megit koma
 10 tileilifra fagnada, þar er þer megit auallt glediaz ok lifa ê með kristi þessum or-
 dum ok audrum þuilikum taldi andreas postoli fyrir lydnium um alla notina unz
 dagr kom. Enn þa let jarl leida andream postolann fyrir domstol sinn ok mælti
 uidhann: þat hugda ek nu aðessi stundu eda aðessi nott mundi skipaz hafa hugr
 þinn ok horfit fra heimsku þessi ok fra lofi kristz þins at þu mêtir með oss
 15 fagnadi hafá þuiat þat er heimslíkt at fara uiliandi til kross pislar ok selia sik til
 kuala. Andreas postoli: Hafa mætta ek fagnat með þer ef þu uilldir a krist trua ok
 hafna blotum, þuiat kristr sendi mig til þessa landz at ek ferda margan lyd gudi til
 handa. Egeas mælti: Af þui skyldi ek þic til blota at þessir menn er þu hefir
 suikit fyrirlati kenning þina ok feri godum uorum fornir þuiat engi er su borg
 20 jachaia heradi er eigi se hof goda uorra brotin eda eydd. enn nu uil ek at þu endr
 bêtir þau at gudin sêfiz þau er þeim ero reid ordin ok þu megir uera iuinattu uorri.
 Enn ef þu uill eigi þat þa muntu pindr uera mörgum pislum ok festr sidan
 akrosstre þess er þu lofar. andreas postoli suaradi: Heyrdu dauda sonr ok
 elldibrandr eilífs loga. Hlyd þu mer þreli ok postola drottins mins ieso xristz. Ek
 25 hefi til þessa miukliga talit fyrir þer um tru ok hugda ek at þu mundir um sidir
 skilia retta skynsemi ok fyrirlata skurdgod ok trua aðann gud er a himnum er.
 Enn þu hardnar jheimsku ok hygg þu mic rêdaz munu ognir þinar eda pislir. þui
 þêgri uerd ek gudi konungi minum sem ek stôndumz fleiri þrautir fyrir hans
 nafni. Þa let egeas jarl binda postolan millum tria tueggia ok beria hann með
 30 suipim. Enn er .vij. hridir bardagans hôfdu gengit, þa uar hann enn leiddr fyrir
 jarl. Egeas mælti: hlyd þu mer ok rad þic fra bana eda ella mun ek lata þic
 krossfesta.
 Andreas suaradi: Ek em þrêll kross kristz ok mun ek helldr êskia sigrmarkt hans
 enn rêdaz. Enn þu matt fordaz eilifar kualir ef þu truir þa akrist er þu hefir
 35 reynda stadfesti mina, þuiat ek harma dauða þinn enn eigi pisl mina, þuiat pisl
 min er eins dags eda tueggia eda þriggia it lengsta. Enn þin kual er eigi þa
 nerenda enn adr erlidr þusund uetra.

2 Was 'quasi adletas domini' [152/2] omitted in all the Icelandic MSS. because the phrase was not understood?

[From *Conversante* 3.375/18 ff.: proconsul dixit: 'recede ab hac stultitia et noli bene viventes subvertere.' Andreas dixit: 'mihi dominus meus Iesus Christus praecepit ut oportune inopportune verbum eius praedicare non cessem atque errantibus paenitentiam ostendere.' Aegeates dixit: 'aut promitte te recedere ab hac superflua et superstitiosa doctrina, aut certe iubeo te interfici.' Andreas respondit: 'ego non solum interfici sed et diversis modis inpendi paratus sum quam recedere a praedicatione divina.'] [Chapter 10] Tunc indignatus Aegeas cruci eum adfigi praecepit, mandans hoc quaestionariis ut ligatis pedibus et manibus quasi in eculo tenderetur, ne clavis adfixus cito deficeret, sed cruciaretur potius longo cruciatu. cumque eum carnifices ducerent, concursus factus est populorum clamantium ac dicentium: Iustus homo et amicus dei quid fecit ut ducatur ad crucem? Andreas uero rogabat populum ut non inpedirent passionem eius. gaudens enim et exultans ibat et a doctrina non cessans. cumque peruenisset ad locum ubi crux parata erat, uidens eam a longe exclamavit uoce magna dicens: Salve crux quae in corpore Christi dedicata es et ex membrorum eius margaritis ornata. [From *Conversante* 4. 376/4 ff.: ... requiescis expectans me. ... laetus pergo ad te, quia secretum tuum cognosco ... suscipe quem desideras ... video enim in te quae a domino meo mihi sunt promissa. suscipe electa crux humilem propter deum et transfer ad dominum Iesum.] antequam te ascenderet dominus, timorem terrenum habuisti, modo uero amorem caelestem obtinens pro uoto susciperis. sciris enim a credentibus quanta intra te gaudia habeas, quanta munera praeparata. securus ergo et gaudens uenio ad te, ita ut et tu exultans suscipias me discipulum eius qui pependit in te, quia amator tuus semper fui et desideravi amplecti te. o bona crux quae decorem et pulcritudinem de membris domini suscepisti, diu desiderata, sollicitè amata, sine intermissione quaesita et aliquando iam concupiscenti animo praeparata, accipe me ab hominibus et redde me magistro meo, ut per te me recipiat qui per te redemit me. Et haec dicens exspoliavit se et uestimenta sua tradidit carnificibus. qui accedentes leuauerunt eum in crucem et extendentes funibus totum corpus eius sicut eis iussum fuerat suspenderunt. [Chapter 11] Adstantes uero turbae ad uiginti milia hominum, inter quos frater Aegeae nomine Stratocles simul clamabat cum populo iniusto iudicio sanctum uirum hoc pati. sanctus uero Andreas confortabat mentes credentium Christum, hortabatur tollerantiam temporalem docens nihil esse dignum passionis ad remunerationis compensationem aeternam. [Chapter 12] Interea uadit omnis populus cum clamore ad domum Aegeae omnes pariter clamantes dicebant [From *Conversante* 5. 376/21: 'quae est ista tua sententia proconsul? male iudicasti. crudelem enim dedisti sententiam. iniqua sunt iudicia tua. quid enim iniquum fecit homo iste? quid mali commisit? perturbata est omnis civitas. simul omnes perimus. ne perdas Caesaris civitatem. concede nobis hominem iustum. redde nobis hominem sanctum. ne interficias hominem deo carum] uirum sanctum, pudicum, ornatum moribus, bonum doctorem, pium, modestum, rationabilem ...

- Egeas mælti: Latt þu af heimsku þessi ok spill eigi fyrir þeim er uel lifa. Andreas postoli suaradi: Drottin min ieso xistr baud mer at lata eigi af at boda ord hans ok snua mǫrgum monnum til idranar. Egeas mælti: Heit þu þui at lata af kenningu þessi eda ella mun ek lata glata þer. andreas postoli suaradi: Ek em þess
- 5 buin at taka margar pislir fyrir Guds nafni helldr enn lata afkenningu hans. Þa reiddiz jarl ok let krossfesta andream postoli ok baud sua kueliundum at þeir byndi hendr hans ok fêtr akrossin ok negldi eigi til þess at hann hefði þar langa pinu sua sem j stagli. Enn er þeir leiddu hann til kross þa kom þangat margr lydr ok mælti: Rettlatr madr ok uinr Guds huat gerði hans [sic] þess er hann er til
- 10 kross leiddr. Enn andreas postoli bad þess lydin at þeir dueldi eigi pisl hans enn hann tok pisl gladr ok fegin ok let eigi af kenningu drottins ok er hann kom þangat er krossin uar reistr upp ok kalladi miclli rôddu:

- Heill þu kross erhelgadr ert af limum kristz ok skryddr af lidum hans sua sem af gimsteinum. Þu stendr ok bidr minn enn ekgeng gladr til þin þuiat ek kenni
- 15 leynda hluti þina. Tak þu uidþeim er til þin fysiz þuiat ek se i þer þat er mer af gudi heitit tak þu litillatan fyrir gudi ok fer mik drottni iesu. Þu hafdir iardliga rezlu adr kristr stigi aþic. Enn nu eignaz þu ast himneska þuiat allir þeir er trua uitu huersu micla fagnadi þu hefir með þer. ôruggr ok fagnandi fer ek til þin enn þu tak gladliga uid mer lêrisueini þess er a þer ik het, þuiat ek uar auallt þinn un-
- 20 nandi ok fus at fadma þic. Þu godr kross er tekin hefir fegurd ok prydi af lidum drottins lengi fysiligr ok af ollum hug elskadr tak þu mik fra monnum ok giallt mik lêrifedr minum at sa taki mik a þer er mik leysti aþer. Enn er andreas postoli hafði þetta mælt, þa hofu pinendr hann akrossin ok bundu reipum allan likama hans sem þeim uar bodit. Enn þar stodu hia krossinum xx milia þeira er skirn ok
- 25 tru hofdu tekin af andrea postola. Enn j þui lidi uar brodir egeas jarls er stratocles het. þeir kôlludu allir er hia stodu ok quodu rangan þann dom uera er heilagr madr uar pindr ok rettlatr. Enn andreas postoli styrkti hugi þeira er gudi trudu ok eggiadi þa til þolinmêdi ok quad eilifa dyrd taka mundu fyrir þessa heims pislir.

- þa for allr lydr med miclu kalli til husa egeas jarls ok mælti: Hui [gegnir] þetta at quedu þitt. Rangliga dêmir þu. grimmir ero domar þinir huat gerdi sia madr illt eda ranglikt nu er borg uor rygg ok fyrir fôrumz uer allir. Glataþu eigi borginni ok ueit oss rettlatan mann giallt þu oss helgan mann ok drep eigi astuin guds helgan ok raduandan ok skryddan godum sidum. Lattu eigi pina godan kennanda

19 er a þer ik het: cf. F er á þér hekk.

30 [gegnir] can no longer be read at all.

quia iam secunda die in cruce positus ueritatem praedicare non cessat. [From *Conversante* 5. 377/2 ff.: ... quae bona sunt loqui ... redde nobis hunc sanctum ut vivamus. solve pudicum, et omnes patriae erunt in pace. dimitte hominem sapientem, et omnis Achaia misericordiam consequetur.' Aegeates vero proconsul differens audire eos nolebat.]

[Chapter 13] Tunc Aegeas pauescens populum promittens se eum deponere simul coepit ire. Quem uidens sanctus Andreas dixit: Quid tu ad nos Aegeas uenisti? si uis credere Christum, sicut promisi aperietur tibi uia indulgentiae. si autem uenisti ad hoc tantum ut me soluas, ego penitus hinc de ista cruce uiuens in corpore deponi non potero. iam enim regem meum uideo, iam adoro, iam in conspectu eius consisto. et tuis miseriis doleo, quia paratus te expectat aeternus interitus. curre pro te miser dum adhuc potes, ne tunc incipias uelle cum non poteris.

[Chapter 14] Mittentes autem manus ad crucem carnifices non poterant penitus contingere eum. et subinde alii et alii ingerentes se ut soluerent eum nullus poterat pertingere ad eum. stupebant enim brachia eorum quicumque se extendissent ad soluendum eum. Tunc uoce magna sanctus Andreas dixit: Domine Iesu Christe, magister bone, [MS. V.: me famulum tuum qui propter nomen tuum pendeo in cruce solui. non permittas domine iam secreta tua humanis tradidi conuersationibus. non permittas domine me quia iam per crucem tuam cognoui magnitudinem tuam ab aegea homine corruptibili humiliari sed suscipe me tu magister meus iesu christe quem dilexi, quem uidi, ...] iube me de ista cruce non deponi nisi ante spiritum meum susceperis. Et cum haec dixisset, uidentibus cunctis splendor nimius sicut fulgor de caelo ueniens ita circumdedit eum ut penitus prae ipso splendore oculi eum non possent humani aspicere. cumque permansisset splendor fere dimidiae horae spatio, abscedente lumine emisit spiritum, simul cum ipso lumine pergens ad dominum, cui est gloria in saecula saeculorum.

[From MS. V: Postea quaedam maximilla senatrix diligens pudicitiam et sanctitatem cum reuerentia tollens corpus beati andree apostoli et conditum aromatibus in loco optimo sepeliuit.] [Chapter 15] Aegeas uero areptus a daemonio antequam perueniret ad domum suam in uia in conspectu omnium a daemonio uexatus expirauit. frater uero eius tenens corpus sancti Andreae euasit. [From MS. D: et cum haec uidisset nihil de fratris sui aegeae substantia contingere uoluit dicens, quae tua sunt aegea tecum pergant; mihi uero sufficit unus dominus iesus christus quem per famulum eius andream cognoui.] tantus autem timor inuasit uniuersos ut nullus remaneret qui non crederet saluatori nostro deo, qui uult omnes saluos fieri et ad agnitionem ueritatis uenire. ipsi gloria in saecula saeculorum. amen.

milldan ok hoglyndan skynsaman hogsaman þuiat hann hefir nu .ij. daga uerit akrossi ok lêtr hann enn eigi af at kenna oss it sanna ok syna oss þat er rett er ok gott. Gef þu oss helgan mann at uer lifim leys þu raduandan mann ok mun allt gricland i fridi uera. Gef þu oss spakan ok mun achaia herad eignaz miskun.

- 5 Egeas dualdi at hlyda þeim ok uillde eigi leysa postolan af krosse. þa reiddiz egeas jarl ok het at leysa andream postola af krossi. reis jarl nu upp ok for með þeim. Enn er andreas postoli sa hann þa mælti hann: Af þui komtu hingat, egeas; ef þu uill a krist trua þamun þer upplukaz miskun guds sem ek het þer. Enn ef þu komt til þess eina at leysa mik af krossi þa mun ek eigi hedan stiga
- 10 lifandi, þuiat nu stend ek j Guds ogliti enn ek harma uesôld þina þuiatþinn bidr eilifr daudi. Renn þu uesall madr medan þu matt at eigi uerdi þat at þu uilir þa rêna er þu matt eigi.
- þa uilldu menn retta hendr sjnar til krossins ok leysa hann afkrossinum ok mattu þeir eigi. Þagengu til adrir at audrum at leysa postolan ok mattu eigi þuiat hendr
- 15 þeira er þeir uilldu leysa hann. þa kalladi andreas postoli ok mælti: Lat eigi þu drottin þrêl þinn hedan uerda leystan þann er nu hangir akrossi fyrir sakir nafns þins. Selþu eigi mik drottin apr juerolldina þar er nuse ek leynda fagnadi ahimni. Lattu eigi drottin jardligan mann oflêgia mic þar er nu kenni ek dyrd þina fyrir krossþin, helldr tak þu mic lêrifadir min, iesus xistr, godr hirdir ok lat mik
- 20 leystan uerda adr þu takir anda minn. Enn er hann hafdi þetta [mælt] þa sa allir lios mikit koma sua sem eldding af himni yfir krossin, sua at engi matti jgegn sia. Enn er þat lios hafdi uerit halfa stund dags þa uar andlat postolans ok for ônd hans með þui enu micla liosi ok miclli dyrd til almattigs Guds.
- Enn maximilla gôfug kona ok raduônd su er elskadi reinlifi tok likama andrea
- 25 postola af krossinum ok smurdi hann dyrligum smyrslum ok grof likama hans uegsamliga. Enn egeas jarl uar gripin af diofli j alþydu ôgliti ok uar daudr adr hann kēmi til hallar sinar. Enn brodir hans stratocles for með likama postolans. Hann uilldi ser ecki nyta af fe brodur sins ok mælti: sua fariz með þer allt þat er þu attir egeas. Enn mer uinnr þôrf trua kristz su er andreas postoli kendi mer. þa
- 30 uard rêdla micl [sic] yfir ôllum lyd sua at engi uard eptir sa er eigi trydi akrist þann er ôllum uill ok ma hialpa ok til sinar miskunnar leida.

[Gregory of Tours: *Liber de miraculis beati Andreae apostoli*. Chapter 37]
De quo sepulchro manna in modum farinae et oleum cum odore suavissimo defluit, a quo, quae sit anni praesentis fertilitas, incolis regionis ostenditur. Si exiguum profluit, exiguum terra exhibet fructum; si vero copiose processerit, magna fructuum opulentia ministratur. Nam ferunt, hoc oleum usque ad medium basilicae sanctae decurrere, sicut in primo Miraculorum scripsimus libro. ...

- Or leidi heilags andrea postola flytr manna ok oleum með enum sêtafta ilm. Af þessum stormerkium marka borgar menn huer uera mun árferd huer misseri fra audrum þþui landi eda uidara annars stadar stundum ueitaz þessi takn meirr enn stundum minn ok gefr iord þa minna auðxt ok minni árferd er ognogligar flytr
- 5 manna or leidinu. Enn stundum ero þessi takn sua gnogliga ueit af milldi guds ok heilagleik sêls andreas postola at uidsmiorit rennr allt fram amitt kirkiu golfít i þeiri kirkiu er stendr yfir leidi sêls andreas postola. Enn þa er sua gnogliga ueitaz þessi takn þakemr god árferd eptir ok gefr iordin godan auðxt af ser. Enn af þessum heiliuogi er ridit a siuka menn þa fa þeir bott sinna meina huat sem þeim
- 10 er adr at meini. Bidium uer nu sēlan andream postola oss arnadarordz at hann arni oss j þessi uerðlldu ars ok audrêda fridar ok fersêlu idranar ok yfir bota uorra misuerka sua at jaudrum heimi hliotim uer huilld ok frid paradisar uistar tildoms dags enn at honum lidnum naim uêr himinrikis ingöngu með gudi almatkum þeim er lifir ok rikir um allar alldir uerallda. Amen.

University of Otago.

8 *af²*: this must be a mistake for *ef*.
Icelandic versions.

10-14 The final prayer is quite different from the other

PONTIFICAL INSTITUTE OF MEDIAEVAL STUDIES GREEK MS. 1:
CONSTANTINE MANASSES, *COMPENDIUM CHRONICUM*

Walter M. Hayes

THE Pontifical Institute of Mediaeval Studies library has acquired a Greek manuscript, copied in 1581 by Andreas Darmarius, containing the *Compendium chronicum* of Constantine Manasses. Rev. Donald Finlay, C.S.B., librarian, obtained the codex from a European collection through the generosity of the Basilian Fathers of Assumption University, Windsor. It comprises thirteen gatherings of six single-folded large folio sheets — twelve folios each — for a total of 156 folios.¹

The manuscript had been purchased from Dawson's of London in 1964.² Prior to that it had been offered for sale at auction by Christie, Manson, and Woods, in May 1962.³ Eric Osborne had already described it for Dawson's sales catalogue of 1959.⁴ The manuscript was on consignment for a short time with the New Haven bookdealer, Robert J. Barry, in 1958.⁵

Dawson's had acquired the manuscript directly from Irving Davis of Davis and

1 The 78 sheets now (cut down) measure 388×276 mm. They were originally, by our count, larger than 590×197 mm.; 600×200 mm. seems reasonable. The sheets were manufactured on a frame with fifteen support wires 25 mm. apart. These wires produced the usual vertical lines (vertical in relation to Darmarius' writing). But in Yale 301 (202×148 mm.) Darmarius wrote parallel to the wire frame marks.

2 Dawson's of Pall Mall, *Catalogue of Rare Books and Manuscripts*, 135 (1964), pp. 38-39 (reprint of Dawson's catalogue entry of 1959).

3 Christie, Manson, and Woods, *Catalogue of Valuable Printed Books, Autograph Letters, and Manuscripts*, 207 (reprint of Dawson's catalogue entry of 1959).

4 Eric Osborne in Dawson's of Pall Mall, *Ninety-Nine. 29 Manuscripts, 69 Books, and a Portrait. Catalogue 102* (1959), item 16, p. 27. Osborne researched and wrote the sales descriptions. After the publication of the catalogue the validity of Dawson's ownership was questioned; British authorities reviewed the case and gave assurance of a *bona fide* claim.

5 This was just after the large purchase of Greek manuscripts by the Ziskind Trust Foundation for Yale University. See Bernard M. W. Knox, 'The Ziskind Collection of Greek Manuscripts', *Yale University Library Gazette* 32 (1957) 38-56. Apparently the North American market for Greek manuscripts was quickly surfeited.

Orioli, north London booksellers, in 1957.⁶ Davis had himself purchased the manuscript, which formerly belonged to the library of Santa Iglesia del Pilar in Saragossa.⁷ The codex was already in Saragossa in 1892 when it was described by Graux and Martin:

Saragosse, Bibliothèque du Pilar. Petit-in-folio. En papier. Couverture en parchemin. Au dos le titre et le chiffre 6.⁸

On the last folio recto, Darmarius' colophon names the scribe and first owner:

Τοῦ Ἀνδρέου Δαμαρίου τοῦ Ἐπιδουρίου. Δαπάνη καὶ ἀναλώματι τῷ κυρίῳ καὶ λογίῳ
Μιχαήλῳ τῷ Λέρῳ Σαγγωσεί τῷ ἐκ Ναβάρης.

Osborne suggests that the patron's name be interpreted as either Michael Lerga San José of Navarre or Michael of Lerga (and) of San Gine's (church in Lerga) in Navarre.⁹ In any case, granting that Darmarius is himself accurate here, Lerga is a village outside Sanguessa (Latin: Sangosa) in Navarre. Lerga is also a family name in the village. Thus the name could be Michael Lerga of Sanguessa in Navarre.

The colophon continues, in Darmarius' hand, but now hidden under an *ex libris*:

Ἐνετίαζε
Ἐτει , αφπα'
.. ριλλ. . Ϛ'

Venice, 1581, April 6.¹⁰ Under strong light place, year and day are clear; the month can be only April. This is at present the only known Darmarius dated in 1581; it is recorded as undated by Vogel and Gardthausen.¹¹

6 John Doyle, of Dawson's, letter to the author dated 6 August 1975.

7 Marcel Richard, *Répertoire des bibliothèques et des catalogues de manuscrits grecs*, supplément I (1958-1963) (Paris, 1964), pp. 54-55.

8 Charles Graux and Albert Martin, 'Rapport sur une mission en Espagne et en Portugal. Notices sommaires des manuscrits grecs d'Espagne et de Portugal' in *Nouvelles archives des missions scientifiques et littéraires* 2 (Paris, 1892), item 1918, p. 220. No date for the manuscript was given.

9 Osborne in Dawson's *Ninety-Nine*. Nicolaus Antonius, *Bibliotheca Hispana nova*, 2 vols. (Madrid, 1783-1788), 2, s.v. Michael, lists several men named Michael (or Miguel), none of them eligible, however. How did the manuscript get from Michael Lerga to Saragossa? I am grateful to Dr. Wilma Fitzgerald for the suggestion that the answer may be found in the circle of Antonius Augustinus, Darmarius, and librarians of the Escorial. The binding of Yale manuscript 270 seems to be from the Escorial atelier. See Graux and Martin, *ibid.*, p. 214.

10 The number six appeared on the parchment cover in 1892. Perhaps the ριλλ is ριλλ for, say, Συλλογή. Thus the six would not be in Darmarius' hand. However, the number six is clearly within Darmarius' own ornamentation, and, of course, the parchment cover was not original.

11 Marie Vogel and Victor Gardthausen, *Die griechischen Schreiber des Mittelalters und des Renaissance* (Leipzig, 1909), p. 27.

The last page of the manuscript contains a late sixteenth- or early seventeenth-century woodcut (85 × 135 mm.). It represents St. Thecla, patroness of Tarragona, as a haloed bare-breasted woman in a loosely fitted toga with a palm branch in her left hand while in the other she holds a severed human arm, right hand palm facing the onlooker. The saint is looking to her left and casts a shadow in the same direction.¹² Her style of dress can be dated between 1575 and 1625. Although she resembles the martyr Thecla in the cathedral at Tarragona, she is an unmistakable modernization of Santa Tecla in the Barcelona cathedral.¹³ The paper of this pastedown is similar to that of the *ex-libris*; both are quite different from that of the manuscript.

It is certain that PIMS Greek MS. 1 was once the last part of a larger codex. The string holes are visible and the gutters still carry the impress of the strings. Bits of the head band seem to be present between some folios.¹⁴ Darmarius originally copied the text in a single column, 20 lines to a page, in a writing space measuring 220 × 120 mm. At the end of each quire he wrote catchwords horizontally, 30 mm. below the bottom line. On the front folio he numbered each quire, the upper ornamentation of these *custodes* beginning 35 mm. below the bottom line. A librarian also numbered the gatherings of the original codex. The 13 quires constituting PIMS Greek MS. 1 were lettered VV-KKK, and letters, of which only parts now survive, were at the level of Darmarius' ornamentation in the bottom margin.¹⁵

Before dispersal the original manuscript consisted of 636 folios. I have, unfortunately, not been able to locate the missing leaves. Among the likely candidates are three manuscripts copied by Darmarius now in the Beinecke Library of Yale University, all of which display a single column of 20 lines per page. Their overall measurements are 289 × 201 mm. (Yale 269), 302 × 195 mm. (Yale 273), and 298 × 194 mm. (Yale 274).¹⁶ Of these Yale 269 would best qualify as

12 No such imprint appears in Konrad Haebler, *Die Büchermarken oder Buchdrucker und Verlegerzeichen spanische und portugiesische Bücherzeichen des XV. und XVI. Jahrhunderts* (Strassburg, 1898), nor in Francisco Vindel, *Escudos y marcas de impresores y libreros en España durante los siglos XV a XIX* (Barcelona, 1942).

Dr. Marjorie Wynne, manuscript librarian of the Beinecke Library, made available to me all the Yale manuscripts which were formerly at Saragossa. In none of these do the PIMS pastedowns appear.

13 See Juan Ferrando Roig, *Iconografía de los santos* (Barcelona, 1950), p. 255.

14 Dr. Emrys Evans, binder of the Thomas Fisher Rare Book Library, University of Toronto, has been most helpful.

15 The librarian omitted I, J, U, and W, which suggests there were at least 33 quires of 12 folios for a total of 636 folios. This would be the most reasonable time to add the two PIMS pastedowns so as to signal a new owner. This happened, I believe, about 1600-1625 A.D.

16 See Apostolos Karpozilos, 'The Yale University Manuscripts of Andreas Darmarius', *Hellenika* 26 (1973) 67-71.

a *membrum disiectum*,¹⁷ for it is written with the same ink, format, size and colour of paper as PIMS Greek MS. 1 and has been foliated often, thus showing that it has belonged to previous codices. In the upper right corner of Yale 269 are Dr. Cora E. Lutz's pencil numbers for the folios as they now appear. The gatherings are numbered (Arabic numerals) in an ink different from that of Darmarius' Greek numbers. A fourth hand begins to number from 205 at fol. 6. However, the alphabetical numbers for the gatherings present in PIMS Greek MS. 1 are lacking in Yale 269.

After the breakup of the codex with 636 folios, a second (and still visible) binding was effected with new string, sewn into new holes, to three double raised leather cords which are 80 mm. apart on the spine. The quires making up PIMS Greek MS. 1 were attached at the kettle stitch and other quires were also attached at this time.¹⁸ The curvature of the spine indicates that this second codex contained approximately 300 folios. A comparatively dull cutting knife produced distinctive slash marks on the three open sides which were trimmed flat, the result being a page measuring 277 × 192 mm. with margins of (top) 23-30 mm., (bottom) 30-35 mm., (left) 30 mm. (for ornamental letters) to 40 mm. (text), (right) 50-60 mm.

Darmarius' original inner margin (40 mm.) in PIMS Greek MS. 1 has not been altered through the years. The fourteen Darmarius manuscripts reported by Otto Kresten show an inner margin ranging from 28 to 45 mm.¹⁹ The three inner margins closest to that of PIMS Greek MS. 1 are these (shown with their correlative margins):

	inner margin	outer	top	bottom
PIMS Greek MS. 1	40 mm.	50-60 mm.	25-30 mm.	30-35 mm.
Ambros. D 85 inf.	38 mm.	50-62 mm.	44 mm.	86 mm.
Vind. theol. gr. 68	41 mm.	47 mm.	36 mm.	47 mm.
Esc. X II 13	42 mm.	45 mm.	33 mm.	79 mm.

This would indicate that little if any was cut from the outer margins, perhaps 10 mm. from the top, perhaps as much as 40 mm. from the bottom. In any case, because of the cutting of the bottom margin only the upper parts of some catch-

17 Yale 269 (1585, Venice) has five watermarks in 75 (large, unfolded) sheets. One of them is Briquet 1075, from the Blum paper mill in Lörrach, Margraviate of Baden. Darmarius, at least, did import paper into Italy. See W. Fr. Tschudin, *The Ancient Paper Mills of Basle and Their Marks* (Hilversum, 1958), p. 400.

18 Perhaps many quires were taken from the former codex.

19 Otto Kresten, 'Die Handschriftenproduktion des Andreas Darmarius im Jahre 1564', *Jahrbuch der österreichischen Byzantinistik* 24 (1975), chart between 180-81.

words appear and only 3 mm. of Darmarius' ornamentation above the *custodes* are visible. Ambrosianus D 85 inf. (Darmarius, 16 January 1566) would appear to have most nearly resembled PIMS Greek MS. 1 before the latter was trimmed; the Milan codex measures 296-299 × 200-203 mm. with *custodes* (cut away?), *voces reclamantes* parallel with the script, 22 lines to a page, writing space 168 × 102-114 mm., and margins 44-86-38-50/62 mm.

End bands were added to the codex formed from Darmarius' original copy: in PIMS Greek MS. 1 the upper end band still has its gray parchment cover (20 × 15 mm.) and the lower parchment band is missing. The leather cords of the head bands and the string attached to the kettle stitch are visible. The thread of the head band is not that of the binding, which is sewn through the quires. At the same time, presumably, the *ex-libris* was pasted over that portion of Darmarius' colophon giving place and date of writing. After perhaps 300 years on the page the *ex-libris*, printed in capital letters, has itself been effaced; all that remains of the seventeenth-century Spanish is:

A USO
DEL PONCE E DI
S A A ESCOLA—²⁰

It is clear that the quires comprising PIMS Greek MS. 1 were also the last folios in this second codex, which was dismantled before 1892. Its cover was removed and these quires were simply cut away from preceding folios. The head bands and raised cords of the binding are still sewn securely at the rear, but they are cut sharply at the front. Additional glue was added to attach the thirteen quires alone to a parchment cover. They began to enjoy their own existence and were treated as an independent manuscript by Graux and Martin.

At some time the bottom edge and the lower 30 mm. of the open edge of the codex were splashed with some purple (liquid) substance.²¹ Presently the manuscript no longer has its parchment cover and in this sense it is unbound. It is wrapped in tawny beige paper, housed in a flesh-tone brown cloth box with gold capital letters on the spine: CONSTANTINE MANASSES CHRONICLE Greek MS. 16TH. Cent.²²

²⁰ It seems to be Ponce. Antonius, *Bibliotheca*, s.v. Ponce, lists an eligible owner as F. Petrus Ponce, O.S.B., Coenobii s. Facundi (Sahugun vulgo). Bishop Pedro Ponce de León, however, left his manuscripts to Philip II in 1573. They were transferred to the Escorial library in 1576. Darmarius had been in the library copying manuscripts for Antonius Augustinus in 1574. See Rudolf Beer, *Die Handschriftenschenkung Philipp II. an den Escorial vom Jahre 1576* (Vienna, 1903), p. 44.

²¹ Dr. John Barton, chief conservator of the Ontario Archives, Private Manuscript Division, has examined PIMS Greek MS. 1. Purple mold does exist, but this manuscript shows no such fungus growth.

²² Mr. Barry assures me the paper and box were there in 1958, provided, no doubt, either by

There are two manufacturers' watermarks, a hand and a serpent. The first of these, the hand watermark, appears on 72 sheets.²³ It is designed to appear in the third column, middle left hand of the sheet, about 110 mm. from the present lower margin and 115 mm. from the top. This watermark is 55 mm. high and 16 mm. at its widest point. It appears on 24 sheets in its correct position,²⁴ thus indicating simply that Darmarius would begin writing either on the watermark side or its reverse.

At least fifty times the letters CL in the palm are clear. Four times the L seems to fan out at the top. On occasion the L looks rather like a design than a letter.²⁵ The letters CL are rare in watermarks: they occur in Briquet 9835, 14145, and 15650,²⁶ and only in 15650 (Pisa, 1588) could there be any connection with Darmarius. In the thirteen volumes of *Monumenta chartae papyraceae historiam illustrantia*, CL occurs once in Madrid, 1749, and once, undated, in German archives.²⁷

No Yale Greek manuscript exhibits the PIMS Greek MS. 1 watermark. Yale 269 has four distinct watermarks, one of which is similar to the PIMS Greek MS. 1 hand watermark. However, the PIMS flower petal on a stem rising from the index finger forms a five-pointed star at Yale, and the Yale palm is either blank or is filled with designs, not letters.

The second watermark, a serpent²⁸ occurs six times, on the last five sheets of quire BBB and the first of CCC.²⁹ It is 58 mm. high and 13 mm. at its widest point. It appears correctly in the third column from the right, about half way up the column, and is upside down only once.

The paper itself is a warm sepia.³⁰ There is a heavier brown discoloration on the first six folios, from the top right corner to the centre middle of the page. A

Dawson's or Davis and Orioli. The paper (and the inside paper lining of the box) shows an ornate watermark of involuted circles, with the watermark name 'Golfier, France'.

23 The watermark can be found in the range of Briquet 11270-11274, 11282, 11289, 11306. See Charles Briquet, *Les filigranes* (Leipzig, 1923; rpt. New York, 1960).

24 In relation to present codex formation and sheet sequence.

25 Such (minor) variations are within the range of normal wear and tear that occurs to a watermark frame in the paper production. Yale Medical Library 35 (olim 33) (Darmarius, Saragossa 327) has five watermarks. Two are so complicated that they become indistinct at times in detail. See C. U. Faye and W. H. Bond, *Supplement to the Census of Mediaeval and Renaissance Manuscripts in the United States and Canada* (New York, 1962), p. 61.

26 Briquet, *Les filigranes*.

27 *Monumenta chartae papyraceae historiam illustrantia*, vol. 5: *The Nostitz Papers, Notes on Watermarks Found in the German Imperial Archives of the 17th and 18th Centuries* (Hilversum, 1956), p. 357.

28 The serpent is closest to Briquet 13770. But the PIMS serpent has five joints. The headpiece is not clear. It seems to be a crown, but it could be three horns. The serpent seems happy.

29 Fols. 62v-71, 73v and 84. No Yale Darmarius has the serpent watermark.

30 No doubt it was a light cream stock, which has changed colour from age.

worm hole through the first five folios accounts for the loss of only a few letters of the Greek text.

Darmarius' ink is a Van Dyke brown, with permanent dye. Acid from the ink has cut its way through the paper on three lines of the top folio. The librarian who lettered the quires used a light sepia ink with a non-permanent base, now faded.

The Greek text of the manuscript,³¹ Constantine Manasses' *Compendium chronicum*, is titled:

Τοῦ σοφωτάτου καὶ λογιωτάτου Μανασσῆ κυροῦ Κωνσταντίνου. Σύνοψις Χρονικὴ διὰ στίχων πολιτικῶν. Προτροπὴ τῆς εὐσεβεστάτης βασιλείας κύρης Εἰρήνης τῆς νύμφης τοῦ βασιλέως κυροῦ Ἑμμανουήλ. Διὰ στίχων πολιτικῶν.³²

The Greek text is entire with the exception of 448 lines (5463-5911). The missing lines were simply not written as no folios are missing. Line 5462 (fol. 138v) ends eight lines from the bottom, thereby leaving seven lines blank. Fol. 139 begins with the title *Βασιλεία Βασιλείου τοῦ Βυλγαροκτόνου* and line 5912.

The first printed version of this work was Leunclavius' Latin translation based on an 'Italian codex'.³³ In Heidelberg he may have used manuscripts of the Palatine library. He certainly had access to two Greek manuscripts sent to him from Vienna by Johannes Sambucus. One of these is certainly Vienna, Nationalbibliothek, MS. Hist. Gr. 77.³⁴ The second may be Vienna MS. Hist. Gr. 72 or Berne 93 (B 48), which had come to Sambucus via Arsenius of Monembasia.³⁵

But whatever his sources Leunclavius uncovered only one reading present in

31 PIMS Greek MS. 1 is perhaps not Darmarius' first copy of Manasses. He had owned a copy, now Vienna, Nationalbibliothek MS. Hist. Gr. 41. It was already in the library in 1576, five years before the writing of PIMS Greek MS. 1. On the basis of *ductus* Professor Hunger believes Darmarius himself wrote the Vienna codex; see Herbert Hunger, *Katalog der griechischen Handschriften der Oesterreichischen Nationalbibliothek* 1 (Vienna, 1961), p. 47.

32 Darmarius' title should be emended τῆς ἐπ' ἀδελφῷ νύμφης. See the title in the codex of the Jesuit Philip Labbe, cited by Joannes Fabricius, *Bibliothecae graecae libri V*, pars altera (= VI) (Hamburg, 1714), p. 157. Apparently the Labbe codex is Oxford, Bodleian Gr. misc. 204 (Auct. T.2.5). See Henricus Coxe *Bodleian Library Quarto Catalogues*, vol. 1: *Greek Manuscripts* (Oxford, 1853; rpt. 1969), codices miscellanei, item 204, col. 761. Peter Blaney, with access to the catalogue collection of the Pontifical Institute's Greek manuscript index project, has kindly brought this information to the identification of the extant manuscripts behind the printed editions of Manasses.

33 *Constantini Manassis Annales*, trans. Joannes Leunclavius (Löwenklau) (Basel, 1573).

34 Hunger, *Katalog*, p. 85. Hunger (pp. 47-48) disputes Kollar's suggestion that Vienna Hist. gr. 41 was the second codex. See Adam Ferenc Kollar, *Ad P. Lambecii commentariorum de augustissima Bibliotheca Caesarea Vindobonensi libros VIII. Supplementorum liber primus posthumus* (Vienna, 1790), p. 687.

35 Hermann Hagen, *Catalogus codicum Bernensium (Bibliotheca Bongarsiana)* (Bern, 1875; rpt. Hildesheim, 1974), pp. 72-73. The present shelf-mark at the Bürgerbibliothek is 93. See also Henri Omont, 'Catalogue des manuscrits grecs des bibliothèques de Suisse; Bâle, Berne...', *Centralblatt für Bibliothekswesen* 3 (1886) 36-37.

PIMS Greek MS. 1 but absent in the manuscript sources of the printed Greek editions, namely a two-line addition after line 2457:

ἀλλ' οὕτω πως μὲν διήνυσεν εἰρηνικῶς εἰσέτι
 τρισὶ πρὸς ἔτεσιν ἀρχῆς τῆς πρεσβυτέρας 'Ρώμης.³⁶

In 1616 Joannes Meursius produced the first printed edition of the Greek text.³⁷ It was based on a codex in the Palatine library,³⁸ probably Vat. Pal. gr. 397 which was in Heidelberg in 1616. Meursius' own list of 218 emendations was relegated to an appendix.³⁹ Of these, 142 appear as readings in PIMS Greek MS. 1. However, 17 times PIMS Greek MS. 1 agrees with the Greek of Meursius' source, not his emendation.

Carolus Fabrotus developed Meursius' edition with a collation of two codices from the Bibliotheca Regia,⁴⁰ probably Paris, Bibliothèque Nationale MSS. Gr. 1770 and 1772.⁴¹ He also gave due notice⁴² to the 1834 variants (differences from Meursius' text) which Leo Allatius found in his codex (Vat. Barb. gr. 41?⁴³). Immanuel Bekker produced substantially the same work; he included a full collation of Meursius and added line numbers to the text.⁴⁴ All this scholarship was collected and printed by Migne more than a century ago.⁴⁵

36 J. Leunclavius, *Notationes locorum quorundam in quibus nonnulla desunt in aliquibus Manassis exemplaribus. Nam ea quae Sambucus misit non parum ab integritate Italici nostri multis in locis superantur*. Included in Joannes Meursius' edition (Leiden, 1616) (unnumbered pages 512-514), 512, note for page 65 (of Leunclavius' translation).

37 *Constantini Manassis Annales*, ed. Joannes Meursius (Leiden, 1616).

38 *ibid.*, *Lectori Joannes Meursius*, unnumbered page viii: 'Descripsi ex codice bibliothecae Palatinae cui iam auctores aliquot antea editos mecum debes.' Surely it is the Palatine library of his own Heidelberg. He had used a Heidelberg codex (now Vat. Pal. gr. 406) written by Darmarius as the basis of his edition of Leo VI, *Tactica*, in 1612.

39 *ibid.*, *Ioannis Meursi ad Constantinum Manassem notae*, unnumbered pages 515-520. Of these emendations 203 pertain to lines present in PIMS Greek MS. 1.

40 *Constantini Manassis Breviarium historicum* (and, p. 1, *Compendium chronicum*), ed. Carolus Fabrotus (Charles-Annibal Fabrot), *Corpus Byzantinae Historiae* (Paris, 1655), pp. 163-91.

41 The manuscripts seem to be Bib. Nat. Gr. 1770 (Medic.-Reg. 3059.2) and 1772 (Medic.-Reg. 3059), perhaps 1803 (Medic.-Reg. 3472) or 2087 (Fontabl. Reg. 3089). See Henri Omont, *Inventaire sommaire des manuscrits grecs de la Bibliothèque nationale et des autres bibliothèques de Paris et des départements* 2 (Paris, 1888).

42 Fabrotus (*Breviarium*), *Ex manuscripto codice Leonis Allatii in Constantini Manassis Annalium editionem mauricianam lectiones variae*, pp. 142-62. At the conclusion Fabrot observes, 'In manuscripto codice Leonis Allatii inter alia habentur eiusdem Constantini Manassis soluta oratione....' He then cites two works. I suspect this is not the codex from which Allatius' variants were drawn. The manuscript may be Barb. gr. 240 (olim 392; Barb. II 61). See Seymour de Ricci, *Liste sommaire des manuscrits grecs de la Biblioteca Barberina* (*Revue des bibliothèques* 17 (1907) 81-125), issued separately (Paris, 1907), item 240, p. 19.

43 See Valentinus Capocci, *Codices Barberiniani graeci* 1 (*Codices I-163*) (Vatican City, 1958), p. 42.

44 *Constantini Manassis Breviarium historiae metricum*, ed. Immanuel Bekker, *Corpus Scriptorum Historiae Byzantinae* (Bonn, 1837).

45 *Constantini Manassis Compendium chronicum*, PG 127 (Paris, 1864), cols. 219-472.

It is clear that no critical edition of the text has been attempted. Preliminary lists of codices have appeared,⁴⁶ but only a shadow of a stemma is forthcoming.⁴⁷ Thus a collation of the PIMS Greek MS. 1 text with the printed texts shows an unwieldy pattern of similarities. For example, Meursius' Palatine codex and PIMS Greek MS. 1 alone agree against all manuscript sources of the editions 62 times. Some instances are:

PIMS Greek MS. 1 and Meursius	Printed editions, all variants
27 παντοκράτωρ	κοσμοκράτωρ
82 πληροῦντα	πλητοῦντα
724 Δαρῆος μέγας ὁ πολὺς παῖδα θηλεῖαν τίκτει	θυγάτηρ ἦν τῷ βασιλεῖ τῶν Μήδων Ἄστυάγει
818 τοῦνομα τῷδε Γύγης	Γύγης δ' ἦν ὁ θεράπων
1681-2 lines fused identically	lines remain separate
4070 οἷα τριβόμενος	διατριβόμενος
3546 σμῆνος	πλήθος
3547 αἵμασι	πτώμασι
6566 βουλόμενος	γλιχόμενος

This indicates some common source in the text tradition. On the other hand, PIMS Greek MS. 1 and the Allatius manuscript concur 38 times against all other readings reported by the printed editions. Examples are as follows:

PIMS Greek MS. 1 and Allatius	Printed editions, all variants
237 γνώμην χαρισάμενος	χάριν δωρησάμενος
415 ἀνόρατον	ἀόρατον
1733 συνετόν	δυνατόν
2260 παραυτίκα	κακιγκάκως
3260 παραβάσει	παρεκβάσει
3579 πτώματος	πταίσματος
3750 Χαλκηδονίων	Καλχηδονίων
4199 ἀρχήν	σειράν
4755 πάνσεπτον	πάνσεμνον
5307 τρώγλας	λόχμας
6168 συντρίβει ⁴⁸	σμπνίγει
6313 συντρίβον	συνθλάττον

46 See Guyla Moravcsik, *Byzantinoturcica* 1 (Budapest, 1942), pp. 203-204, and Maria Elisabetta Colonna, *Storici bizantini dal IV al XV secolo*, vol. 1: *Storici profani* (Naples, 1956), pp. 78-79.

47 Odysseus Lampsidis, 'L'édition critique de la chronique de Constantine Manasses' in *Actes du XII^e Congrès international d'études byzantines* 2 (Belgrade, 1964), pp. 373-77.

48 See Otto Mazal, 'Neue Exzerpte aus dem Roman des Konstantinos Manasses', *Jahrbuch der österreichischen Byzantinistik* 24 (1975) 244. This reading highlights the relation between A, PIMS Greek MS. 1, and the text (line 369) of the new excerpts, which also reads *συντρίβει*. Φησιν (line 367) of the excerpts appears in PIMS Greek MS. 1 alone. Once (line 371) A and the excerpts alone read *ἀπό* (ἐπί rel.).

These concurrences call for some common source.

Again, the two *codices Regii* of Fabrot agree with PIMS Greek MS. 1 against all others 38 times. Some examples:

PIMS Greek MS. 1 and two <i>codices Regii</i>	Printed editions, all variants
282 πρωτομήτορος	παντομήτορος
468 τὸ Βάβελ δέ	τὸ γὰρ Βάβελ
468 post 469	ante 469
653 adest	abest
781 τὸ παιδίον	τῷ παιδίῳ
1039 δεινῷ	πικρῷ
1377 δέ	οὖν
1402 σκότῳ	σκότει
1488 καθώς	καθ' οὓς
2418 καὶ γάρ	γὰρ τῆς
2606 πολυκκτημόνων	βαθυκκτημόνων
3005 γηγενῶν	γγγενής
3313 adest	abest
3465 τὴν σύγκλητον τοὺς ἱερούς	τοὺς ἱεροὺς τὴν σύγκλητον
3737 Βυζαντίδα	βασιλίδα

Furthermore, the longer *Regius* text agrees with PIMS Greek MS. 1 alone against all others an additional 51 times.⁴⁹ Some examples:

PIMS Greek MS. 1 and <i>Regius maior</i>	Printed editions, all variants
195 συνεπέλαζον	προσεπέλαζον
514 πρῶτος	πρώτοις
518 ἀπῆρεν	μετῆρεν
548 υἱοῖς καὶ τὸν Νινύαν	πολλοῖς υἱοῖς τὸν Νινύαν
550 τῶν ἐσπερίων	τὴν ἐσπερίαν
682 μή	οὐ
738 κατὰ	περί
1178 ναός	νεώς
2469 ἐκλιπόντος	λελοιπότος
2897 προὔπσχου	καθυπέσχου
3334 τοῦτο	μέσους
3392 βαθύ	βαρύ
4095 γοῦν	γάρ
4113 καὶ βίβλοις τεθραμμένος	βίβλοις ἐντεθραμμένος
4988 ἱκετεύουσα	ἱκετεύσασα
5310 λειμῶσιν	λιμέσιν
5923 adest	abest

49 The *Regius minor* ceases at line 4679.

These may require a common source to explain. If so, we are hard pressed to explain the presence of 76 (authentic) lines in the PIMS Greek MS. 1 copy (fols. 60-62), which are in no printed edition or its manuscript exemplars. These lines contain Manasses' account of the Roman empire from 217 to 284 A.D., that is from the deaths of Caracalla and Geta⁵⁰ (Manasses, 2278) to the accession of Diocletian (Manasses, 2279).

In the printed editions, perhaps, the omission seems authentic. The words *τοίνυν*, *πεττός*, and *συχνάκις* seem to imply some kind of recapitulation to summarize an intentional omission:

- 2279 τῶν σκήπτρων τοίνυν ὁ πεττός συχνάκις μεταπίπτων
 2280 σὺν ἄλλοις ἐχαρίσατο τὴν αὐτοκρατορίαν
 2281 καὶ τῷ Διοκλητιανῷ τῷ παρανομωτάτῳ.

On the contrary, however, Manasses' use of *τοίνυν* implies that the long description of the emperors has preceded line 2279. The connective appears 23 times in the poem. It always means 'accordingly', 'and so', 'therefore' in the sense of summarizing the exposition which has preceded. Indeed, without the PIMS Greek MS. 1 lines there is little to summarize.

Nor does the image of *πεττός τῶν σκήπτρων* imply an omission. Rather it implies a change for the worse, and at line 2088 the unstable turn of the wheel and the dice of fortune supplant the good Titus with the evil Domitian:

- 2088 τροχοῦ δ' ἡ ἄστατος φορὰ καὶ ὁ πεττός τῆς τύχης
 2089 κακῶς τῷ Δομετιανῷ τὸ κράτος ἐγχειρίζει

Thus the dice image prepares us for Manasses' burning invective (25 lines) against Diocletian.⁵¹

In addition, the rapid shift from emperor to emperor is not alien to Manasses' style. In the PIMS Greek MS. 1 folios, unlike the printed editions, there are 132 sub-titles throughout the work. Presumably they are not original, grammatically, in the sense that they often appear in the middle of a sentence. The orthography of proper names in the titles often differs from that of the immediately adjacent text. However, their presence shows us graphically that Manasses can move quickly through his material. For example, Galba and Otho with a shared title enjoy only three lines of text; Vitellius, with his own title, has six lines.⁵²

⁵⁰ Actually Caracalla had murdered Geta five years earlier.

⁵¹ lines 2281-2306.

⁵² Excluding the new PIMS Greek MS. 1 material there are 10 titles with fewer than six lines of text. (There are 14 in the PIMS Greek MS. 1 lines.)

The presence of titles is not a late phenomenon. Already in the thirteenth century titles were an integral part of the text presentation. Athens, *Βιβλιοθήκη Ἑθνική* Grk. MSS. 1207 and 1217 each

The 76 new lines belong between lines 2278 and 2279 of the printed text. They give every appearance of authenticity: vocabulary, grammar, and syntax is that of Manasses. The political verse pattern for the first 2278 lines and these 76 lines is the same.⁵³

The new lines show remarkable verbal similarities to parallel accounts found in Zonaras:⁵⁴

PIMS Greek MS. 1	Zonaras
1 ὁ ἐκ Μαύρων	τὸ μὲν γένος Μαῦρος
Elagabalus	
6 Ψευδαντωνῖνος	Ψευδαντωνῖνος
9 εἰς Τίβεριν τ' ἐρρίφη	εἰς τὸν Τίβεριν ἐνεβλήθη
Alexander Severus ⁵⁵	
11 Ἀλέξανδρος ... ὁ τῆς Μαμαίας	Ἀλέξανδρος ὁ Μαμαίας
Balbinus	
26 τοῦ κράτους δὲ γευσάμενος	τῆς αὐταρχίας ἀπογευσάμενον
Gordianus I ⁵⁶	
30 μόνας δ' ἡμέρας εἴκοσι καὶ δύο	μόνας εἴκοσι καὶ δύο ἡμέρας
	Double explanation of death : sickness or suicide ⁵⁷

has its own series of titles throughout. Neither set is that of PIMS Greek MS. 1. The sub-titles of MS. 1217 are more like those of Darmarius' copy. Dr. Panagiotis G. Nicolopoulos, keeper of the manuscripts, made the manuscripts available to me.

53 Fifteen syllables to a line. No (100%) accent on the 15th, scarcely ever (1%) on the 7th, rarely (10%) on the 3rd, 5th, 11th, and 13th, frequent (50-60%) on the 2nd, 4th, 6th, and 10th, always (100%) on the 14th. Indeed, in all printed editions, line 704 concludes *Φάρες τε*. In PIMS Greek MS. 1 alone the conclusion is correct: *Φαρές τε*.

In the first 2278 lines accent falls on the thirteenth syllable 232 times, an average of about 10%. This differs from Beck's rules for political verse, which exclude this accent. See Hans-Georg Beck, *Geschichte der byzantinischen Volksliteratur* (Munich, 1971), p. 15.

54 Joannes Zonaras, *Annales*, *Ἐπιτομή τῶν Ἱστοριῶν* (lib. 1-18) (PG 134-135). The parallel passages are taken from Zonaras 12.13-30 (PG 134.1033-1080). The 60 lines of PIMS Greek MS. 1 text represent some 50 columns of Greek text in Zonaras.

55 The PIMS Greek MS. 1 account (line 13) of the death of Alexander: *τῆς ζωῆς καὶ τῆς ἀρχῆς κατασφαγεῖς ἐκπίπτει*. Zonaras describes the death of Pupienus (PIMS Greek MS. 1, lines 20-22): *πρὸς τῇ μοναρχίᾳ καὶ τῆς ζωῆς ἀνααιρεθέντα*.

56 In describing the accession of Gordianus I, PIMS Greek MS. 1 (line 29) uses the phrase *ἐπιπῆδᾳ τῷ κράτει*. Zonaras describes the accession of Philippus: *ἐπεπῆδῃσε τῇ ἀρχῇ*. However, be it noted, PIMS Greek MS. 1 witnesses to only one of the two traditions in Zonaras concerning the accession of Philippus.

57 In the PIMS account of Gordianus I no reason for death is alleged. However, the double account of the death of Gordianus II suggests that after six years he died in war (against the Persians) or he was killed (during his father's reign) fighting the Libyans. His anguished father then committed suicide.

Gordianus II

34-39 Double explanation of death of
Gordianus II: war (with Persians) or
battle against Libyans (and suicide of
Gordianus I)

36 ἔσχε μὲν ἀνάρρησιν	τῷ Γορδιανῷ ἀναρρηθέντι
37 ἐπαναστάντων τινῶν	ἐπαναστῆναί τινας
37 μάχης συρραγείσης	μάχης συγκροτηθείσης
38 τὸν υἱὸν ὁμωνυμοῦντα τούτῳ	υἱὸν ... ὁμωνυμοῦντα ... πατρί
39 τὸν γέροντα δ' ἀπάγξασθαι τῷ	τὸν ὑπεραλγήσαντα ἀπάγξασθαι
δυσδαίμονι πάθει	

Gordianus III

43 τούτους ἐξηττήσας	ἡττησέ τε τοὺς ἐναντίους
44-45 Νίσιβιν ... καὶ Κάρας τοῖς Ῥω- μαίοις αὐθις ἐπανεσώσατο	Νίσιβιν καὶ Κάρας Ῥωμαίοις αὐθις ἐπανεσώσατο
46 ἐπαναστάντος ... Φιλίππου τοῦ ἐπάρ- χου	ἐξ ἐπιβουλῆς Φιλίππου τοῦ ἐπάρχου

Philippus

50 κατὰ τὴν ἐπανάστασιν	ἐπανεστῆσαν
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Decius

53 διωγμὸν ... ἀνῆψεν	διωγμὸν ἐπήγειραν
54 αἰσχιστα διέφθαρτο	αἰσχιστα δ' ἐφθάρη
55 σὺν τῷ υἱῷ	σὺν τῷ υἱῷ
55 καταχωσθεῖς ... εἰς πελμάγη ⁵⁸	καταχωσθέντα τῇ ἰλνι τοῦ τέλματος

Trebonianus Gallus

58 οὐχ ἦττον τοῦ προτέρου	οὐχ ἦττονα Δεκίου διωγμὸν
62 τέσσαρας ἄρξας μῆνας δὲ κτείνεται	κτείνουσι τὸν Αἰμιλιανὸν οὕτω τῶν σaras μῆνας ἡγεμονεύσαντα

Claudius

68 ἔτος ἐφ' ἑν	ἐφ' ἓνα ... ἐνιαυτόν
68 ἐξέλιπε τῇ νόσῳ	ἐνόσησε

Tacitus

74 μῆνας ἑπτὰ	οὕτω ἑβδομον μῆνα
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Zonaras or his source cannot account for all the details in Manasses' account. In the troubled summer months of 238 A.D. between the death of Gordianus I and Gordianus II (both in April) and Gordianus III (July), the senate created two co-

58 The form *πελμάγη* is clearly incorrect and reflects a scribal error in the PIMS Greek MS. 1 tradition, presumably prior to Darmarius. Darmarius records an emendation *πελάγη* in the margin. In any case, Darmarius was not inventing the lines.

emperors, M. Clodius Pupienus Maximus and D. Caelius Calvinus Balbinus. In the Zonaras account these two turn out to be four emperors: Maximus, Albinus, Pupienus, and Balbinus, followed by Gordianus I, II, and III.⁵⁹ However, the PIMS Greek MS. 1 Manasses presents only three emperors, Maximus, Pupienus, and Balbinus before the three emperors Gordian. No doubt the facts were not clear in the twelfth century. The later *Σύνοψις Χρονική* speaks of *Βαλβίνος καὶ Μάξιμος*, then *Μαξιμῖνος* (*lege Μάξιμος*) *σὺν Γαλβίῳ* who are followed by *Πομπιανός* and *Πούπλιος Γαλβίνος*.⁶⁰ In any case, the early *Chronicon breve* of Hamartolus had none of these vagaries.⁶¹ None of the other 6733 lines of Manasses' poem shows any verbal similarities to Zonaras' accounts, and it is curious that two contemporary twelfth-century authors could handle the same history so differently.

The new lines of the Manasses text are these:

- 1 Βασιλεία Μακρίνου
- 2 Καὶ μετ' αὐτοὺς Μακρίνος δὲ κατήρξεν ὁ ἐκ Μαύρων
- 3 χρόνον κρατήσας ἓνα δὲ σὺν μηνὶ οὗτος δύο.
- 4 ἐκπίπτει δόλῳ τῆς ἀρχῆς εἴτα μαχαίρα θνήσκει.
- 5 Βασιλεία Ψευδαντωνίνου
- 6 μεθ' ὃν Ψευδαντωνίνος τε κατήρξε τὸ Ἑμίσης
- 7 ὃς κάκιστος φαυλόβιος αἰσχροουργός τε τυγχάνων
- 8 μῆνας ἑνέα σὺν τρισὶ χρόνοις ἄρξας Ῥωμαίων
- 9 μαχαίρας ἔργον πέφυκεν εἰς Τίβεριν τ' ἐρρίφη.
- 10 Βασιλεία Ἀλεξάνδρου τοῦ Μαμαίας
- 11 καὶ μετ' αὐτὸν Ἀλέξανδρος ἦρξεν ὁ τῆς Μαμαίας
- 12 τῷ κράτει διαρκέσας δὲ ἐν ἔτεσιν δις πέντε
- 13 καὶ τῆς ζωῆς καὶ τῆς ἀρχῆς κατασφαγεῖς ἐκπίπτει.
- 14 Βασιλεία Μαξιμίνου
- 15 Καὶ Μαξιμῖνος τὴν ἀρχὴν ὁ ἐκ Θράκων λαμβάνει.
- 16 Κακῶς δ' αὐτῇ χρησάμενος ξίφεσιν ἀναιρεῖται

- | | | |
|--|---------------------|------------------------------------|
| 1 M. Opellius Macrinus | 3 217-218 A.D. | 5 M. Aurelius Antoninus Elagabalus |
| 6 τὸ Ἑμίσης Elagabalus, sol-deus Emesae | | 8 218-222 A.D. 9 222 A.D. |
| 10 M. Aurelius Severus Alexander | Μαμαία Julia Mamaea | 12 222-235 A.D. |
| 13 235 A.D. 14 C. Julius Verus Maximinus | | 15 235-238 A.D. |

- 6 κατήρξαι PIMS Αἰώσης PIMS, Ἑμέσης alias 9 μαχέρας PIMS 10 Μαμαία PIMS 14 titulus in marg. PIMS

⁵⁹ Zonaras, *Annales* 12.17 (PG 134.1049).

⁶⁰ Ἀνωνύμου *Σύνοψις Χρονική* in *Μεσαιωνική Βιβλιοθήκη*, ed. Constantine Sathas, 7 (Venice, 1894), p. 36.

⁶¹ Georgius (monachus cognomento Hamartolus), *Chronicon breve* 3, c. 148 (PG 110.546).

- 17 ἔξ διαρκέσας ἔτεσιν ἐν σκήπτροις τῶν Ῥωμαίων.
 18 Βασιλεία Μαξίμου
 19 Καὶ μετ' αὐτὸν ὁ Μάξιμος ἔσχε τὴν σκηπτουχίαν.
 20 Ταύτης δ' ἐκίπτει τάχιον οὐ μῆνας ἄρξας δύο.
 21 Βασιλεία Πομπηανού
 22 Πομπηανὸς δὲ μετ' αὐτὸν ἤρξεν ἀλλ' ἐφ' ἡμέρας
 23 καὶ μόνας ἐβδομήκοντα καὶ τάχιον ἐφθάρη.
 24 Βασιλεία Πουπλίου
 25 μεθ' ὃν κατήρξε Πούπλιος καλούμενος Βαλβίνος
 26 εἰς μῆνας τρεῖς τοῦ κράτους δὲ γευσάμενος ἐφθάρη
 27 σφαγείς ὥς ἔξ ἐπιβουλῆς τῶν μετ' αὐτοῦ συνόντων.
 28 Βασιλεία Γορδιανοῦ τοῦ γέροντος
 29 Καὶ γέρων ὁ Γορδιανὸς ἐπιπηδᾷ τῷ κράτει.
 30 Μόνας δ' ἡμέρας εἴκοσι καὶ δύο βασιλεύσας
 31 υἱὸν ἀφῆκε τὸν αὐτοῦ Γορδιανὸν τὸν νέον
 32 Βασιλεία Γορδιανοῦ τοῦ νέου
 33 διάδοχον καὶ τῆς ἀρχῆς ἀλλὰ καὶ βασιλείας.
 34 Ἐτη δ' ὑφ' ἔξ ἄρξας φασὶ πρὸς πόλεμον ἐσφάγη.
 35 εἰ δ' ἄλλως ἐξιστόρησαν τὰ παρ' αὐτὸν ἐκβῆναι
 36 ὥς ἔσχε μὲν ἀνάρρησιν ὁ γέρων εἰς Λιβύην,
 37 ἐπαναστάντων δὲ τινων καὶ μάχης συρραγείσης
 38 σφαγῆναι τούτου τὸν υἱὸν ὁμωνυμοῦντα τούτῳ,
 39 τὸν γέροντα δ' ἀπάγξασθαι τῷ δυσδαίμονι πάθει.
 40 Βασιλεία ἐτέρου Γορδιανοῦ
 41 εἰθ' ἕτερος Γορδιανὸς κατήρξε τῶν Ῥωμαίων
 42 ἐκ γένους ὧν Γορδιανῶν τῶν τε προκαταρξάντων
 43 ὃς πρὸς Πέρσας ἐστράτευσε καὶ τούτους ἐξηττήσας
 44 Νίσιβιν ἐχειρώσατο καὶ Κάρας τοῖς Ῥωμαίοις
 45 αὐθις ἐπανεσώσατο στρατηγικῶς καὶ ἀρχων.
 46 Ἐπαναστάντος τούτου δὲ Φιλίππου τοῦ ἐπάρχου
 47 ἐν ἔξ κατάρξας ἔτεσι δολίως κατεσφάγη.
 47a [Βασιλεία Φιλίππου]
 48 Οὗτός φασιν ὁ Φίλιππος Χριστιανὸς ἡγάπα

17 Junii, 238 A.D. 18 M. Clodius Pupienus Maximus? 20 238 A.D. 21 M. Clodius Pupienus Maximus 22 Julii, 238 A.D. 24 D. Caelius Calvinus Balbinus 25 Julii, 238 A.D. 28 M. Antoninus Gordianus I 30 Aprilis, 238 A.D. 32 Gordianus II 34 descriptio Gordiani III contra Persas, cf. 47 infra 35-9 238 A.D. 38 Aprilis, 238 A.D. 40 Gordianus II 41 Julii, 238-244 A.D. 44 243 A.D. 47 238-244 A.D. 47a titulum addidi 48 Julius Verus Philippus

21 Πουπῖνος Πουπλιανός Georgius Hamartolus, Πομπηϊανός (metrice ineptum) Zonaras, Πομπηϊανός Anon, Σύνοψις Χρονική 25 Σαλβίνος PIMS Γαλβίνος Anon, Σύνοψις 46 τούτῳ?

- 49 πέντε κατάρξας ἔτεσι καὶ πρὸς οὕτως Ῥωμαίων.
 50 Κατὰ τὴν ἐπανάστασιν ἐσφάγη τοῦ Δεκίου.
 51 Βασιλεία Δεκίου
 52 Καὶ Δέκιος ἐκτήσατο τὴν σκηπτροκρατορίαν
 53 ὅστις καὶ μέγαν διωγμὸν Χριστιανοῖς ἀνῆψεν.
 54 ἀλλ' αἰσχιστα διέφθαρτο χρόνους οὐκ ἄρξας δύο
 55 σὺν τῷ νιῷ καταχωσθεὶς ... εἰς πελμάγη.
 56 Βασιλεία Βουλουσιανοῦ τοῦ Γάλλου
 57 μεθ' ὃν καὶ Βουλουσιανὸς Γάλλος ἤρξε Ῥωμαίων.
 58 Διώκτης ἦν Χριστιανοῖς οὐχ ἦττον τοῦ προτέρου.
 59 Σὺν χρόνοις ἄρξας δὲ δυσὶν καὶ μῆνας ὀκτὼ πίπτει.
 60 Βασιλεία Αἰμιλιανοῦ
 61 Αἰμιλιανὸς δὲ μετ' αὐτὸν ἔσχε τὴν αὐταρχίαν.
 62 Τέσσαρας ἄρξας μῆνας δὲ κτείνεται πρὸς οἰκείων.
 63 Βασιλεία Οὐαλεριανοῦ καὶ Γαλιήνου
 64 Μεθ' ὃν Οὐαλεριανὸς ἐδέξατο τὰ σκήπτρα
 65 ὃν δὴ καὶ διεδέξατο υἱὸς ὁ Γαλιῆνος
 66 νικητικῶς κατάρξαντες ἔτη πέντε καὶ δέκα.
 66a [Βασιλεία Κλαυδίου]
 67 Καὶ Κλαύδιος ἐδέξατο τὰ τῶν Ῥωμαίων σκήπτρα
 68 ἔτος δ' ἐφ' ἐν κεκρατηκῶς ἐξέλιπε τῇ νόσῳ.
 69 Βασιλεία Αὐρηλιανοῦ
 70 Αὐρηλιανὸς δὲ μετ' αὐτὸν ἐκράτησε Ῥωμαίων
 71 οὐχ ἔξ δὲ χρόνους ἤρκεσε τῷ κράτει πληρεστάτους
 72 καὶ κατεσφάγη δολερῶς ἐπιβουλαῖς οἰκείων.
 73 Βασιλεία Ταχίτου
 74 Καὶ μετ' αὐτὸν ὁ Τάκιτος μῆνας ἑπτὰ κατάρξας
 75 Βασιλεία Πρόβου

49 244-249 A.D. 51 C. Messius Quintus Decius, alias C. Traianus Decius 52 249-251 A.D. 54 251 A.D. 56 V. Vibius Trebonianus Gallus 57 251-253 A.D. 59 253 A.D. 60 M. Aemilianus 62 253 A.D. 64 P. Licinius Valerianus, 253-260 A.D. 65 P. Licinius Egnatius Gallienus, 260-267 A.D. 66a titulum addidi 67 M. Aurelius (Valerius) Claudius Gothicus, 268 A.D. ineunte anno 68 270 A.D. ineunte anno 69 L. Domitius Aurelianus 70 Martii, 270 A.D. 71 270-275 A.D., appellatus 'Restitutor Orbis' 73 M. Claudius Tacitus, Septembris 275-276 A.D. 74 circa Martium 276 A.D. 75 M. Aurelius Probus

55 spatium (trium syllabarum, metrice) indicavit Darmarius, locus desperatus, ἔλλι εἰς τελμάτη forte, πελμάγη vocabulum adhuc ignotum, πελάγη coniecit (Darmarius?) in marg., cf. πλησίον τέλματος βαθέος et καταχωσθέντα τῇ ἔλλι τοῦ τέλματος Zonaras (XII, 19), ἐπὶ ... τόπον κάθυργον καὶ παλματώδη Anon., Σύνοψις Χρονική, ed. Sathas (VII, 37), ἐν τέλματι ἀποπνιγένης G. Hamartolus, *Chronicon* (III, 97) 57 Γαλος PIMS 61 linea sedecim syllabarum, τὴν sit exclusum metrice aptius, sed αὐταρχία (i.e. αὐτοκρατορία) sine articulo numquam, forte Αἰμιλιανός quattuor syllabarum ut Οὐεσπασιανός (2006)

- 76 μεθ' ὃν Πρόβος ἐκράτησεν ἐφ' ἑξ χρόνους ἀρκέσας.
 77 Βασιλεία Κάρου
 78 Εἴτα Κάρως ἐκράτησεν εἰς χρόνους τρεῖς Ῥωμαίων.

In the PIMS Greek MS. 1 there are seven additional lines in sequence which appear in no printed edition. Four of them are incomplete. They occur at the end of the poem, in fifteen syllable political verse. The first two continue the grammatical structure of line 6733: *Οὐ γὰρ περάσιμά φασι τὰ τῶν Γαδεύρων πέρα*. This is followed by a one-line blank space. A kind of epilogue continues the text and seems to be addressed to the author. Moreover, on the score of grammar (*ἂν ἱστορίζεται*), vocabulary (*γυρεῦσαι*), and verse pattern (accent on third syllable, three times; seventh, twice; eleventh, twice) the lines do not appear to be Manasses' own and are surely not in the style of the other 6733 lines of the poem. The additional lines are:

- 79 καθῶς ἂν ἱστορίζεται παρὰ τῶν πειρασθέντων
 80 γυρεῦσαι ἄκρα τὰ τῆς γῆς, τὸ πλεῖον κινδυνῶδες.
 spatium unius lineae
 81 σὺ δ' ὦ ... ἦρ ἄριστε μονότροπε
 82 τῶν πολιτῶν ἐκπέραινε ... τε στίχων
 83 καὶ εἰς τὰ ἄκρα φθάσειε, ἴθι, τοῦ χρονογράφου
 84 καὶ ἱστορίας ... ἀνδραγαθήματά τε
 85 τῶν τε γὰρ παλαιγενῶν καὶ τῶν νέων ἀνάκτων.

Pontifical Institute of Mediaeval Studies.

76 282-283 A.D. 77 M. Aurelius Carus 78 282-283 A.D.

79 ἱστορίζεται: ἱστορίζηται? 80 τὰ τῆς metrice minus apte, ταῦτα? 81 spatium quinque syllabarum μονότροπε PIMS forte: σὺ δ' ὦ Μανασσῇ, ἀνὲρ ἄριστε μονότροπέ τε, cf. editionem Fabroti, 191, ἀλλ' ὦ Μανασσῇ 82 πολιτικῶν? spatium quattuor syllabarum forte: τῶν τε πολιτικῶν ἐκπέραινε ἄκρα τε στίχων 84 spatium trium syllabarum forte: τὰ καλά 85 deest syllaba, ut puto, inter tres primas forte: τῶν: τούτων

THE PAPAL SOVEREIGN IN THE ECCLESIOLOGY OF AUGUSTINUS TRIUMPHUS

William D. McCready

IN his important study, *The Problem of Sovereignty in the Later Middle Ages*, Michael Wilks accords Augustinus Triumphus (d. 1328) the compliment of being 'unquestionably one of the most important political thinkers of the medieval period'.¹ In its main thrust, says Wilks, his thought is an apology for the papal hierocratic doctrine in its most extreme form, for the authority that Augustinus attributes to the pope is a genuine *plenitudo potestatis*, 'sovereignty pure and simple'.² Indeed, Wilks would maintain that 'sovereignty', even understood in its modern Austinian sense, is something less than a satisfactory term for describing Augustinus' conception of papal authority. 'Only by a deliberate deification of the ruler,' says Wilks, '[could] there be any firm basis for unrestricted authority or any theoretically watertight guarantee against the possibility that he might misuse his power'.³ Hence, according to Wilks, Augustinus stresses that 'the visible *Ecclesia* must have a visible head who is in-

1 M. J. Wilks, *The Problem of Sovereignty in the Later Middle Ages* (Cambridge, 1963), p. vii. Of the recent literature on Augustinus Triumphus the contributions of Rivière, Wilks and Kölmel are probably the most significant. See, in addition to *The Problem of Sovereignty*, J. Rivière, 'Une première "Somme" du pouvoir pontifical: le pape chez Augustin d'Ancône', *Revue des sciences religieuses* 18 (1938) 149-83; M. J. Wilks, 'Papa est nomen iurisdictionis: Augustinus Triumphus and the Papal Vicariate of Christ', *Journal of Theological Studies* N.S. 8 (1957) 71-91, 256-71; and W. Kölmel, 'Einheit und Zweiheit der Gewalt im corpus mysticum: Zur Souveränitätslehre des Augustinus Triumphus', *Historisches Jahrbuch* 83 (1963) 103-47; *Regimen Christianum: Weg und Ergebnisse des Gewaltenverhältnisses und des Gewaltenverständnisses (8. bis 14. Jahrhundert)* (Berlin, 1970), especially pp. 408 ff. Whereas Rivière and Wilks address themselves to both the church/state problem and ecclesiological problems, Kölmel focuses most of his attention on the former, a problem to which I myself have given some attention. See 'Papal *plenitudo potestatis* and the Source of Temporal Authority in Late Medieval Papal Hierocratic Theory', *Speculum* 48 (1973) 654-74; 'The Problem of the Empire in Augustinus Triumphus and Late Medieval Papal Hierocratic Theory', *Traditio* 30 (1974) 325-49; and 'Papalists and Anti-Papalists: Aspects of the Church/State Controversy in the Later Middle Ages', *Viator* 6 (1975) 241-73.

2 *The Problem of Sovereignty*, p. 169.

3 *ibid.*, p. 168.

vested with all the majesty, power and competence of God. With him the papal curia becomes the seat of God, and it is here, he writes, that the judgment of God is delivered in the voice of God by one having the power of God.⁴ This, Wilks goes on to say, is nothing less than 'a full-blooded assertion of the ruler's divinity'. Not only is the pope superior to the angels, 'he may, if he wishes, kick away his earthly footstool and govern the world from a celestial throne.'⁵

Wilks would admit Augustinus' distinction between *potestas ordinis*, sacramental power, and *potestas iurisdictionis*, governmental power. Hence he points out that, according to Augustinus, it is 'only in jurisdictional power that all popes are necessarily one with Christ'.⁶ However, with regard to his exercise of governmental authority, Wilks insists that, according to Augustinus, the pope must still be considered an earthly manifestation of the divine, who presides with a divine infallibility over the fortunes of the *Ecclesia*.⁷ He is above all men and can be judged by no one, not even should he lapse into heresy, for an heretical pope has *ipso facto* separated himself from his infallible office.⁸ Not even the periodic need to choose a new pope can be construed as subjecting him to human judgment, for the cardinals elect the new pope only on the strength of a preceding papal privilege: any given pope could just as easily choose his successor himself if he so desired. Moreover, Wilks goes on to assert that, strictly speaking, in the view of Augustinus, the election by the college of cardinals is nothing more than a nomination, which is confirmed by the new pope, in his official capacity as vicar of Christ, when he consents to the cardinals' choice. 'As the whole process is in this way sanctioned by one pope or another, each acting in his official capacity, it is really Christ himself [in the person of the pope], rather than the cardinals, who

4 *ibid.*, p. 165.

5 *ibid.*, pp. 358-59. For comparable statements see '*Papa est nomen iurisdictionis*': 'Consequently the pope operating within his function as vicar of Christ, that is to say, in his official capacity, became a veritable God' (89); 'to go before the pope acting in his official capacity was for Augustinus Triumphus to enter into the presence of God. *Deus* and *papa* had become synonymous terms' (90); 'to Augustinus Triumphus the vicariate of Christ theory meant that the pope actually replaced Christ. To be a vicar implied no inferiority, no lessening of power, in contrast with the original, but meant only that another person acted in his place' (257); 'the *vicarius Christi* idea, as we have seen, led to a definite attempt to deify the universal ruler, to make the pope into a human God' (271).

6 *The Problem of Sovereignty*, p. 374. That Augustinus conceives of papal authority as being governmental in nature is the principal point that Wilks makes in '*Papa est nomen iurisdictionis*'. It is a point which he takes up again and sets in a larger context in 'The *apostolicus* and the Bishop of Rome', *Journal of Theological Studies* N.S. 13 (1962) 290-317 and 14 (1963) 311-54.

7 *The Problem of Sovereignty*, pp. 168 and 470: 'An assumption of the permanent rectitude of the ruler is the only possible justification for a theory of sovereignty, and a belief in papal infallibility must accompany any complete expression of the hierocratic system of government'. Cf. '*Papa est nomen iurisdictionis*', 268-69.

8 *The Problem of Sovereignty*, pp. 502-503; cf. '*Papa est nomen iurisdictionis*', 269-70.

has made the appointment'.⁹ Theoretically papal power may come from God. In practice, however, God can speak only through a human mouthpiece, and in the papal hierocratic doctrine of Augustinus Triumphus that mouthpiece is the pope himself.

Unfortunately, however, Wilks goes on to suggest that Augustinus Triumphus was not able to preserve the papal hierocratic doctrine in all its purity. On the one hand Augustinus deliberately adopted a theory of the lay papacy which undermined much of the substance of his thought;¹⁰ on the other he was strongly influenced by the late medieval revival of Aristotelianism, which led to conclusions diametrically opposed to orthodox papal hierocratic doctrine. Augustinus, in the view of Wilks, was reluctant to take Aristotelian principles to their logical conclusion — the idea of popular sovereignty. Like the Thomists he tried to reconcile papal sovereignty with popular sovereignty by maintaining that both pope and people have been entrusted with a plenitude of power, although both have voluntarily renounced their authority and consented to abide by the provisions of the canon law.¹¹ However, Wilks goes on to say that on the critical issues Augustinus found it extremely difficult to sustain such a position; once the edifice of papal authority had been breached, it was virtually impossible to keep the whole structure from crumbling into ruins. Hence whereas before, says Wilks, we found him maintaining that the pope was above all and could be judged by no man, now we find him suggesting that a pope suspected of heresy is to be judged by a general council of the church.¹² What is perhaps even more crucial, whereas before, says Wilks, we found Augustinus adhering to a doctrine of a self-generating papacy in order to preserve the divine nature of the papal office, now we find him admitting that papal authority flows from the *congregatio fidelium* to the pope through the college of cardinals.¹³ In the final analysis Wilks's verdict seems to be that Augustinus was utterly confused by the issues and unsurpassed in his ability to contradict himself. Contaminated by the debilitating influence of

9 *The Problem of Sovereignty*, pp. 467-69; cf. '*Papa est nomen iurisdictionis*', 266 n. 4.

10 *The Problem of Sovereignty*, pp. 391 ff., pp. 530 ff.; cf. '*Papa est nomen iurisdictionis*', 257-58.

11 *The Problem of Sovereignty*, pp. 488-89.

12 *ibid.*, pp. 504-506; cf. '*Papa est nomen iurisdictionis*', 270. Wilks goes on to say that, since the faith of the pope should mirror that of the *congregatio fidelium* at large, any member of the faithful can issue an accusation against a pope suspected of heresy (*The Problem of Sovereignty*, pp. 514-15). Moreover, in cases of manifest heresy Augustinus questions whether one need issue a formal accusation at all: in such cases the pope can be judged by any orthodox catholic. 'This,' says Wilks, 'is the fruit of conciliarism: the "most extreme defender of the papal monarchy" can be found to have anticipated all that the "great destroyer" had to say on the subject' (*ibid.*, pp. 520-21).

13 *ibid.*, p. 482; cf. '*Papa est nomen iurisdictionis*', 271.

Aristotelianism, Augustinus Triumphus not only reverses himself on some of the most critical issues in his ecclesiology, but puts forth his diametrically opposed views in one and the same treatise, without offering any attempt to show how they might be reconciled.

Wilks is not astonished by his own conclusions. In his introductory statement he takes care to advise us of 'the apparent inability of the publicists to appreciate their own talent for contradicting themselves'. According to Wilks, 'consistency is the quality most conspicuous by its absence in the thought of the period, and the student of the publicistic literature must quickly accustom himself to finding the same writer advocating totally opposite points of view.'¹⁴ To insist that Wilks *must* be wrong here would be indefensible. One could not base an interpretation of a figure like Augustinus Triumphus on a presumption of logical consistency any more than one could base it on a presumption of the opposite,¹⁵ an error which Wilks never commits. Since there is nothing to guarantee that a political theorist will not contradict himself, the consistency or inconsistency of his thought is something that has to be established. Nevertheless, given the magnitude of the inconsistency in this particular case, Wilks's comments about the contradictions in the thought of Augustinus Triumphus *may* be no more than a counsel of despair. Hence it seems worthwhile to consider the thought of Augustinus again, in the hope of discovering therein some coherent doctrine on the nature of papal authority and its relationship to both God and the *ecclesia universalis*. This is what I propose to do here, putting to one side for the present the problem of the lay papacy, and beginning with Augustinus' alleged deification of the pope. At critical points throughout the essay references will be made to several other late medieval theorists for comparative purposes.¹⁶

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14 *The Problem of Sovereignty*, pp. viii-ix. Cf. his concluding remarks in '*Papa est nomen iurisdictionis*', 271: 'Two fundamentally opposed and mutually exclusive conceptions can in fact be seen dwelling side by side in apparent harmony in the mind of one of the greatest exegetes of the papal-hierocratic theory of government The full development of this theory, it may be said, succeeded only in creating a dichotomy in the minds of those who were best qualified to propound it. And it was this inherent weakness in the papal system which would contribute in a large measure to its eventual collapse.'

15 See D. H. Fischer's comments on the idealist fallacy in *Historians' Fallacies: Toward a Logic of Historical Thought* (New York, 1970), p. 200.

16 The following are the theorists referred to in this paper: Aegidius Romanus, *De renunciatione papae*, ed. J. T. Rocaberti in *Bibliotheca maxima pontificia* 2.1 (Rome, 1698), pp. 1-64; idem, *De ecclesiastica potestate*, ed. R. Scholz (Weimar, 1929); Alexander de S. Elpidio, *De ecclesiastica potestate*, ed. Rocaberti, 2.7. 1-40; Alvarus Pelagius, *De planctu ecclesiae*, ed. Rocaberti, 3.23-264; idem, *Collirium adversus hereses novas*, ed. R. Scholz in *Unbekannte kirchenpolitische Streitschriften aus der Zeit Ludwigs des Bayern (1327-1354)* 2 (Rome, 1914), pp. 491-

Although there are authorities that can be marshalled on both sides of the issue,¹⁷ at the very least it seems doubtful whether Augustine considers the pope to be a veritable God on earth. He does believe that the pope is the unique vicar of Christ, to whom has been committed the care of the entire church, and so he goes out of his way to illustrate the divine authority which the papal office represents. He maintains that the pope takes the place of God on earth,¹⁸ that papal teachings can be said to possess an authority identical to God's,¹⁹ and that a judgment given by the pope must also be considered a divine judgment.²⁰ Indeed, at one point he even claims that the Christian religion can equally as well

514; Augustine Triumphus, *Summa de ecclesiastica potestate* (Augsburg, 1473); idem, *De potestate collegii mortuo papa*, ed. R. Scholz in *Die Publizistik zur Zeit Philipps des Schönen und Bonifaz VIII.* (Stuttgart, 1903), pp. 501-508, and W. Mulder in *Studia catholica* 5 (1928-29) 46-53; idem, *Tractatus brevis de duplici potestate prelatorum et laicorum*, ed. R. Scholz in *Die Publizistik*, pp. 486-501; Franciscus Toti de Perusio, *Tractatus contra Bavarum*, ed. R. Scholz in *Unbekannte kirchenpolitische Streitschriften* 2.76-88; Guido Terrenus, *Quaestio de magisterio infallibili Romani pontificis*, ed. B.-M. Xiberta (Münster, 1926); Guillelmus de Sarzano, *Tractatus de potestate summi pontificis*, ed. R. Del Ponte, *Studi medievali*, 3rd Ser., 12 (1971) 1020-94; Guillelmus Amidani de Cremona, *Reprobatio sex errorum*, ed. R. Scholz in *Unbekannte kirchenpolitische Streitschriften* 2.16-28 and A. Piolanti in *Divinitas* 15 (1971) 504-39; Guillelmus Petrus de Godino, *De causa immediata ecclesiastice potestatis*, ed. J. Barbier (Paris, 1506), fols. 25-81 (unnumbered) (on the authorship of the *De causa*, usually attributed to Pierre de la Palu, see P. T. Stella, 'A proposito della attribuzione a Pietro di La Palu del "Tractatus de causa immediata ecclesiasticae potestatis"', *Salesianum* 27 (1965) 382-409, and Stella's introductory comments in *Magistri Petri de Palude, O.P. tractatus de potestate papae* (Zürich, 1966), pp. 27-35); Hermannus de Scildis, *Tractatus contra haereticos negantes immunitatem et iurisdictionem sanctae Ecclesiae*, ed. A. Zumkeller (Würzburg, 1970); Herveus Natalis, *Tractatus de potestate papae* (Paris, 1647); idem, *Tractatus de iurisdictione*, ed. L. Hödl (Munich, 1959); James of Viterbo, *De regimine Christiano*, ed. H.-X. Arquillière in *Le plus ancien traité de l'église ...* (Paris, 1926); Peter Olivi, *De renunciatione papae*, ed. P. L. Oliger in *Archivum franciscanum historicum* 11 (1918) 340-66; idem, *Epistola ad Conradum de Offida*, ed. P. L. Oliger, *ibid.*, 366-73; idem, *Quaestio de infallibilitate Romani pontificis*, ed. M. Maccarrone in *Rivista di storia della chiesa in Italia* 3 (1949) 309-43; Pierre de la Palu, *Tractatus de potestate papae*, ed. P. T. Stella (Zürich, 1966). In quotations from older editions the punctuation has been modernized when necessary.

17 See, for example, the discussion in F. Gillmann, 'Dominus Deus noster papa?', *Archiv für katholisches Kirchenrecht* 95 (1915) 266-67. For more recent statements see P. Costa, *Iurisdictio: semantica del potere politico nella pubblicistica medievale (1100-1433)* (Milan, 1969), pp. 279-80; E. H. Kantorowicz, *The King's Two Bodies: A Study in Mediaeval Political Theology* (Princeton, 1957), pp. 264-67; and Kölmel, 'Einheit und Zweiheit', 126. Both Costa and Kantorowicz accuse Augustine of losing sight of the distinction between God and the pope. Kölmel, however, maintains that this is not the case: 'Die Stellvertreterschaft Christi bedeutet keinesfalls Übernahme der Christus zustehenden Befugnisse, sie gilt nur im Rahmen der der Kirche zugewiesenen Aufgaben.'

18 *Summa*, qu. 6.3 ad 3: 'ab obedientia summi pontificis locum Dei gerentis in terra nullus sub quocunque pretexto sine nota superbie potest se subtrahere.'

19 *ibid.*, qu. 100.1: 'eiusdem auctoritatis est doctrina summorum pontificum cuius est doctrina Christi, sicut eiusdem auctoritatis est veritas principalis auctoris et eius vicem gerentis.'

20 *ibid.*, qu. 6.1: 'Sentencia igitur pape et sententia Dei una sententia est nulla appellatio tenet facta a papa ad Deum, quia unum consistorium est ipsius pape et ipsius Dei.'

be considered the papal religion, since Christianity takes its name from Christ whose vicar is the pope.²¹ However, like the other theorists who make such statements, Augustinus also maintains that care must be taken to preserve the distinction between Christ and his earthly representative:²² to obliterate or obscure the distinction would be to expose oneself to a charge of idolatry, to which a theologian of Augustinus' calibre would certainly be sensitive. Hence, rather than maintain that the pope is less than Christ only because his office is limited in time,²³ or that he possesses a *plenitudo deitatis*,²⁴ and consequently that he may, as Wilks puts it, 'kick away his earthly footstool and govern the world from a celestial throne',²⁵ Augustinus Triumphus offers considerably more moderate opinions. He does maintain that the vicar of Christ is less than Christ himself because the pope is subject to the constraints of time, but he nowhere suggests that this is the only difference between them.²⁶ Furthermore, he maintains that only God (or Christ) can possess a *plenitudo deitatis*,²⁷ that only God (or Christ)

21 *ibid.*, qu. 71.3 ad 3: 'tota religio Christiana a papa nominatur, quia nominatur a Christo cuius vicarius ipse existit.'

22 The best examples among the publicists are found in Alvarus Pelagius, *De planctu ecclesiae*, chap. 13, p. 32: 'Papa non est homo simpliciter, sed Deus, idest Vicarius Dei'; and chap. 46, p. 87: 'quod ipse vicarius Dei facit ipse Deus facere intelligitur'. Cf. his *Collirium*, p. 513: 'papa quasi Deus est in terris'. For examples among the canonists see Ganzer, *Papsttum und Bistumsbesetzungen*, pp. 58 ff. (n. 40); and W. Ullmann, *Medieval Papalism: The Political Theories of the Medieval Canonists* (London, 1949), pp. 50-51. However, for an excellent discussion of how this hyperbolic language is to be interpreted see J. Rivière, 'Sur l'expression "Papa-Deus" au moyen âge' in *Miscellanea Francesco Ehrle* 2 (Rome, 1924), pp. 276-89.

23 As Wilks suggests, *The Problem of Sovereignty*, p. 371.

24 *ibid.*, p. 169; '*Papa est nomen iurisdictionis*', 90.

25 *The Problem of Sovereignty*, p. 359.

26 This certainly cannot be taken to be implied by his statements in *Summa*, qu. 1.9, the only passage which Wilks offers as evidence.

27 As evidence for the suggestion that, for Augustinus, the pope possesses a *plenitudo deitatis*, Wilks refers to *Summa*, qu. 19.2. In this question Augustinus asks whether the pope can be considered *caput ecclesie*. He replies by mentioning four qualifications for headship, and by concluding that (in the light of these qualifications) *principaliter* Christ must be considered the head of the church, although *instrumentaliter* the pope may be regarded as *caput ecclesie* as well. The following discussion, in which Augustinus uses the phrase *plenitudo deitatis*, is designed to show how Christ meets these qualifications. One can only conclude, therefore, that it is Christ who possesses a *plenitudo deitatis*, and not the pope: 'Responsio. Dicendum quod caput respectu membrorum quatuor condiciones habet. Nam primo in situ habet eminentiam. Secundo in effectu habet influentiam. Tercio in natura habet convenientiam. Quarto in perfectione habet habundantiam. Propter istas igitur quatuor condiciones Christo principaliter et pape qui est vicarius eius instrumentaliter convenit esse caput ecclesie. Primo quidem quia in situ habet eminentiam, tenet enim supremum gradum non solum super homines sed etiam super angelos. Unde ad Ephe. i statim cum dixit apostolus "Omnia subiecit sub pedibus eius", subiunxit "ipsum dedit caput super omnem ecclesiam que est corpus eius." Secundo in effectu habet influentiam, quia de plenitudine gratie ipsius omnes accepimus gratiam pro gratia, ut scribitur Io. i. Tercio in natura habet convenientiam. Dicit enim Augustinus super illo verbo Io. xv "Ego sum vitis et vos palmites", quod in hoc Christus

has the option of governing from a celestial throne,²⁸ and consequently that only God (or Christ) has the right to claim that unique kind of honour appropriate to the Deity, an honour to which no mortal man, not even a pope, may aspire. Although the pope may be paid the same honour which is shown to the saints,²⁹ he is not to be paid the same honour which is shown to Christ.³⁰ For Augustinus Triumphus any other judgment on this issue would be inconceivable, for rather

dicit se esse caput ecclesie eo quod unius nature sunt vitis et palmites, propter quod, cum ipse esset Deus cuius nature non sumus, factus est homo ut in illo esset vitis humane nature cuius et nos homines palmites esse possemus. Quarto in perfectione habet habundantiam, quia in ipso complacuit omnem plenitudinem deitatis inhabitare. Sunt enim in ipso omnes thesauri sapientie et scientie absconditi, ut scribitur ad Colos. ii.'

28 As evidence for his claim that, for Augustinus, the pope 'may kick away his earthly foot-stool', Wilks refers to *Summa*, qu. 21.1, where Augustinus discusses whether or not the pope must reside in Rome. Augustinus maintains that the pope does not have to reside in any particular place, since he enjoys a universal jurisdiction that extends to both heaven and earth. However, he does not wish to, nor does he, leave the impression that the pope has as one of his alternatives the option of residing in heaven. As the passage itself illustrates, it is Christ who has that option: 'papa non necessitatur residere in aliquo determinato loco, quia vicarius est illius cuius sedes celum est et terra scabellum pedum eius, ut scribitur Ysaie lxvi. Implet enim celum et terram sua potestate et iurisdictione, ut scribitur Hieremie xiii.'

29 Provided, of course, that in his personal life he is worthy of such honour. See *Summa*, qu. 9.3.

30 Referring to *Summa*, qu. 9.1 et 2, Wilks maintains that, according to Augustinus Triumphus, 'the same honour should be paid to the pope as to God and his saints', although 'this honour is not to be paid to the pope personally but as a participator in the power which is common to both God and his office' (*The Problem of Sovereignty*, p. 364; cf. 'Papa est nomen iurisdictionis', 90). At the very least this simplifies the matter to the point of distortion. In qu. 9.1 Augustinus asks whether the same honour that is owed to Christ *secundum quod Deus* is owed to the pope, replying as follows: 'Sciendum est tamen quod honor potest exhiberi Deo dupliciter. Primo ratione communis potestatis cum qua convenit cum creaturis convenientia cuiusdam analogie univocationis. Convenit ergo creatori et creature potestas et dominatio et multa alia, ut bonitas scientia et iusticia, que attribuuntur Deo, tamen conveniunt creature: Deo quidem essential[iter], creature vero participative et ministerialiter ratione istorum que conveniunt Deo et creature quidam honor et quedam servitus impenditur Deo que sine peccato potest exhiberi creature, ut thurificatio et genuflexio et alia servitus que Greco nomine dulia appellatur Quedam vero servitus Deo impenditur ratione eius singularis maiestatis, quia dominatio et potestas que est in Deo non est potestas vel dominatio simpliciter dicta, sed potestas et dominatio summa que non est alia quam ipsa deitas et divina maiestas, ratione cuius singulare genus servicii sibi exhibetur quod latría appellatur Sacrificium ergo est ille singularis honor et illa singularis servitus que sic debetur Christo secundum quod Deus *non debetur pape nec alicui pure creature*'. In qu. 9.2 he asks whether the same honour that is owed to Christ *secundum quod homo* is owed to the pope and replies as follows: 'Responsio. Dicendum quod idem honor qui debetur Christo vel divinitati eius debetur eius humanitati. ... Nam honor potest exhiberi alicui duobus modis: uno modo per se et primo et gratia sui, alio modo per accidens et ut coniunctum alteri et ut non potest per se nec gratia sui. Primo modo solum natura divina et persona divina honoratur honore latríe. Secundo modo caro Christi et humanitas ipsa coniuncta divinitati eodem honore honoratur quo honoratur persona divina. ... Si vero honor qui debetur deitati debetur humanitati Christi non nude sed ut coniuncta personaliter divinitati, cum honor debitus Deo sine peccato ydolatrie non possit exhiberi pape, *non debet pape exhiberi honor qui debetur Christo secundum quod homo*.'

than being identical with the Deity, the pope is simply an instrument by means of which Christ presides over the fortunes of his church here on earth.³¹

Wilks is, of course, aware of the doctrine of the pope as *instrumentum Christi*, but he dismisses it by maintaining that, for the hierocrat, 'the instrument becomes the reality in its earthly form. ... Applied to the papal office the theory of instrumentality means simply that the vicariate of Christ becomes the earthly divinity: the reality swamps the instrumentality'.³² However, the whole notion of an instrument presupposes a distinction between the instrument itself and its user, in this case a distinction between the papal office and the Christ who uses it to govern his church. Further, to give the distinction added emphasis Augustinus points out that the pope does not succeed to Christ personally, but rather to the office which Christ instituted. A personal succession would raise the possibility of a virtual identification of Christ and his vicar, since the pope might be conceived of as possessing in its fullness the same authority which Christ possessed when he presided over the church on earth. However, the kind of succession which Augustinus Triumphus has in mind has no such implication. Personally Christ has yielded to no one: he still possesses all the authority that was his when he was a man among men, and he still uses this authority to govern the *ecclesia*. The pope succeeds only to the office which Christ instituted, and in so doing succeeds to the office of a minister, a vehicle through which Christ's authority can be transmitted to the church.³³ In these circumstances, therefore, the possibility of the pope being a God on earth is out of the question. Given the fact that Christ operates through the papal office, that papal acts have a divine effect, one can understand the need for some possibly misleading rhetoric. However, none of it should be taken to imply that the pope is God,³⁴ or even that God's human in-

31 *Summa*, qu. 19.2: 'Christo principaliter et pape qui est vicarius eius instrumentaliter convenit esse caput ecclesie.' Cf. Alvarus Pelagius, *De planctu ecclesiae*, chap. 59 (57 according to Alvarus), p. 178. Cf. also *Summa*, qu. 1.9, where Augustinus underlines the fact that papal power is administered by Christ *mediante papa*: 'Dicendum quod pape potestas, cum sit collata sibi a Christo, dupliciter potest accipi: primo ut est a Christo mediante papa administrata, secundo ut est ab ipso Christo immediate operata. Nam aliter est loquendum de potestate Christi qua regnat super suos fideles ut est ab eo mediante papa tanquam mediante suo vicario et mediatore administrata, et aliter est loquendum de tali potestate ut est ab ipso tanquam a principali auctore immediate operata, quia primo modo potestas Christi est temporalis, secundo modo perpetua et eternalis.'

32 *The Problem of Sovereignty*, p. 372.

33 *Summa*, qu. 8.3: 'Successit ergo Petrus Christo et quilibet alius papa succedit sibi ut vicarius eius in officio et potestate, non in persona. ... Christus ..., qui semper est vivens et semper est papa et pontifex totius ecclesie et erit in perpetuum, non potest personaliter sibi cedere, nec alius personaliter sibi succedere. ... tam Petrus quam successores eius non sunt personaliter successores Christi, sed dicuntur vicarii et ministri eius, ipso Christo semper vivente et semper in papatu et pontificatu regnante.' Cf. Alvarus Pelagius, *De planctu ecclesiae*, chap. 40, p. 64.

34 As Wilks points out, Augustinus maintains that it is only in jurisdictional power that all popes are one with Christ. However, he also maintains that in sacramental power all priests are one

strument must always function with a divine authority. To anticipate our argument somewhat, although God operates through the papal office, this does not mean that every statement made by the pope must be thought to have a divine sanction. Nor does it mean that the papal office is the only vehicle through which God can communicate his will to men.

Wilks, of course, does not see matters in quite this light. 'Once having stipulated the divine nature of the papacy,' says Wilks, 'there can be no real limitation of papal power without at the same time infringing the omnipotence of God. From the *plenitudo deitatis* which Augustinus Triumphus accords to the pope there is a natural and straightforward transition to a genuine *plenitudo potestatis*, sovereignty pure and simple, the power to do all things.'³⁵ This, however, is doubtful. Augustinus does maintain that the pope possesses a plenitude of power, by virtue of which he can make authoritative decisions about all matters affecting the government and well-being of the church. Further, he would maintain that papal decisions are judgments from which there can be no appeal, for there is no higher authority to which a faithful Christian might have recourse. He cannot appeal from the present pope to a future pope, because at the very least such a practice would violate the principle 'par in parem non habet imperium'.³⁶ He cannot appeal from the pope to the college of cardinals, because, fitting though it may be that the pope follow their advice, the cardinals are simply papal assistants whose position is subordinate to the pope's.³⁷ He cannot appeal to a general council, because a council cannot be convened without papal consent, and its decrees cannot be considered binding unless they receive papal confirmation.³⁸ Not even an appeal to God is possible, because, strictly speaking, God's verdict has already been given through the voice of His representative.³⁹ But all of this means simply that the pope is responsible to God alone for the exercise of his authority: it does not mean that his authority is without limits.

The nature of these limits can be seen first of all if one examines Augustinus' doctrine on the relationship between the pope and the other members of the ec-

with Christ. See *Summa*, qu. 3.8 ad 2: 'sicut omnes sacerdotes non sunt nisi unus sacerdos, puta Christus, quantum ad potestatem conficiendi, quia omnes conficiunt in persona eius, sic omnes pontifices non sunt nisi unus pontifex, et omnes pape non sunt nisi unus papa, puta Christus, quia omnes recipiunt iurisdictionem et potestatem administrandi immediate ab eo.' If such statements about a priest can be made without implying that every parish priest is God on earth, similar statements about the pope should have no such implication.

35 *The Problem of Sovereignty*, p. 169; cf. '*Papa est nomen iurisdictionis*', 90.

36 *Summa*, qu. 6.4.

37 *ibid.*, qu. 6.5.

38 *ibid.*, qu. 6.6.

39 *ibid.*, qu. 6.1. What he has in mind here is the impossibility of a *legal* appeal from the pope to God, for he goes on (qu. 6.3) to point out that the faithful can always have recourse to God through prayer and supplication. For further clarification see Kölmel, 'Einheit und Zweiheit', 125.

clesiastical hierarchy. Since the pope possesses a plenitude of jurisdictional power, the jurisdictional authority possessed by other members of the hierarchy can only come from him.⁴⁰ Although a bishop may normally be chosen by election, such elections are held only on papal sufferance.⁴¹ Hence the pope possesses the right to appoint a bishop on his own,⁴² and the right to depose him or suspend him from his duties if he thinks it appropriate.⁴³ Moreover, the pope is not limited by the existing ecclesiastical structure, for he can change it significantly by creating new parishes or dioceses for example,⁴⁴ and he can work outside of the parish and diocesan structure entirely, by appointing other suitable men to supplement the work normally performed by parish priests and bishops.⁴⁵ Indeed, if he thinks it necessary, he can take over himself work that would normally be done by others, for just as God may intervene in the natural realm to accomplish directly what he normally accomplishes only through secondary causes, so may the pope in the realm of ecclesiastical government.⁴⁶ However,

40 *Summa*, qu. 1.1; qu. 65.1; *Tractatus brevis*, p. 496. Cf. Alvarus Pelagius, *De planctu ecclesiae*, chap. 54, p. 136; Guillelmus de Sarzano, *Tractatus*, chap. 5, pp. 1033-34; Guillelmus Amidani, *Reprobatio errorum* (ed. Piolanti), qu. 4, p. 527; Guillelmus Petrus de Godino, *De causa immediata* 4.3, fols. 50v-51r; Hermannus de Scildis, *Tractatus* 2.2, pp. 62-63; Herveus Natalis, *Tractatus de potestate papae*, p. 370; James of Viterbo, *De reg. Christiano* 2.5, pp. 205-206. This became a common doctrine among late medieval canonists as well. See R. L. Benson, *The Bishop-Elect: A Study in Medieval Ecclesiastical Office* (Princeton, 1968), especially p. 131; B. Tierney, *Foundations of the Conciliar Theory* (Cambridge, 1955), pp. 145-47; J. A. Watt, *The Theory of Papal Monarchy in the Thirteenth Century* (New York, 1965), pp. 82-83; K. Ganzer, *Papsttum und Bistumsbesetzungen in der Zeit von Gregor IX. bis Bonifaz VIII.* (Cologne, 1968), pp. 56-57. For a different view, however, see Pierre de la Palu, *Tractatus* 2.1, p. 220; and 2.5, pp. 261-262: 'papa in iurisdictione habet plenitudinem potestatis; ceteri, autem, in partem tantum sollicitudinis sunt vocati. ... Eo ipso, autem, quod Deus dedit pape plenam iurisdictionem, aliis partialem, volens illos huic subesse et hunc illis preesse, et ipse dedit ei potestatem instituendi et destituendi illos; sicut quamvis rex institueret immediate primo ballivos, castellanos et prepositos, si tamen ex toto submittat ballivis alios a se institutos, ex hac submissione daret eis potestatem ipsos deponendi et alios ponendi, licet potestas castellanie et prepositure non sit a ballivo, sed a rege.'

41 *Summa*, qu. 1.1.

42 *ibid.*, qu. 45.3 ad 3.

43 *ibid.*, qu. 1.1.

44 *ibid.*, qu. 71.4.

45 *ibid.*, qu. 64.3; qu. 64.5; qu. 65.3 ad 1.

46 *ibid.*, qu. 61.1. Cf. qu. 19.5: 'dicendum quod ... papa tenet locum Petri in ecclesia, episcopi vero locum apostolorum, presbyteri vero locum lxxii discipulorum. Absurdum autem videtur quod Petrus non potuisset solvere et ligare sine auctoritate apostolorum vel discipulorum etiam in provinciis et parrochiis eis deputatis, cum singulariter Petro fuerit dictum "Dabo tibi claves", et ipsi non nisi per usum clavium potestatem ligandi et solvendi haberent. Eodem modo absurdum est dicere quod papa non possit solvere et ligare in dyocesi cuiuslibet episcopi et parrochia cuiuslibet presbyteri vel absolutionem et ligationem committere quibus placet. Potest etiam in provinciis et parrochiis eis deputatis omnia facere per seipsum vel per commissionem que ipsi episcopi vel presbyteri facere possunt, et adhuc amplius.' Cf. Alexander de S. Elpidio, *De eccl. potestate* 2.2, p. 15; Alvarus Pelagius, *De planctu ecclesiae*, chap. 54, p. 137; Herveus Natalis, *Tractatus de iurisdictione*, p. 30; *Tractatus de potestate papae*, pp. 376 and 384; James of Viterbo, *De reg. Christiano* 2.5, p. 207.

whether or not this justifies Wilks's assertion that the pope 'may do without bishops altogether and rule the whole world by himself' is another question entirely: extensive as the papal prerogative is, such a step would go beyond his competence.

In fairness to Wilks, it should be pointed out that he does qualify his statement somewhat. Although 'the magnitude of papal power makes an obliteration of the episcopacy possible', Augustinus, says Wilks, does not regard such a development as likely, and he certainly does not suggest that the pope ought to give it serious consideration.⁴⁷ However, Augustinus goes further than Wilks allows: not only does he not suggest that the pope ought to adopt such a course of action, he makes the positive suggestion that he ought not to do so. Hence in qu. 19 of his *Summa* Augustinus asks if the pope can be the immediate bishop of any diocese, and answers as follows:

Dicendum quod immediatum potest accipi dupliciter, vel quantum ad iurisdictionem vel quantum ad administrationem. Primo modo papa est episcopus cuiuslibet ecclesie immediate, quia iurdictio omnium episcoporum et prelatorum ecclesie derivatur a papa immediate Sed secundo modo non est episcopus immediate cuiuslibet ecclesie, quia sic cessarent omnium aliorum pontificum potestates et supervacue essent alie ecclesiastice prelationes. Debet enim papa in gubernando ecclesiam Dei providentiam imitari qui, quamvis possit totum orbem immediate per seipsum gubernare, non tamen facit.⁴⁸

47 Wilks, *The Problem of Sovereignty*, pp. 383-84.

48 *Summa*, qu. 19.3. In qu. 71.2 Augustinus describes Christ as the principal distributor of the offices of the church and the pope as his executor: 'Executor autem ordinationum istorum officiorum est ipse papa qui vice Christi aliquos ordinat loco apostolorum, per quos Christi doctrina sit testificanda, aliquos loco prophetarum, per quos sit exponenda, aliquos loco evangelistarum, per quos sit scribenda et declaranda, aliquos loco doctorum, per quos sit predicanda, et aliquos loco pastorum, per quos sit executioni mandanda.' The net effect of this and the passage quoted above seems to be that the pope would be abusing his authority if he attempted to obliterate all other offices in the church. Significantly, other theorists who consider the possibility of such a development come to similar conclusions. Because he maintains, like Augustinus, that all jurisdictional authority in the church was committed to Peter, and only via him to the other members of the ecclesiastical hierarchy, Guillelmus Petrus de Godino takes a strong position with regard to the pope's right to interfere with the existing hierarchical structure. According to Guillelmus, the pope could dispense with the existing parish and diocesan structure completely, and rule the church through special legates appointed for the purpose. However, Guillelmus also maintains that the pope would sin in so doing, because the spiritual welfare of the church could not be cared for as well as it is with the present system. See *De causa immediata* 6.3, fol. 73r. Cf. Herveus Natalis, *Tractatus de potestate papae*, p. 399: 'quantum est de plenitudine potestatis, credo quod Papa posset facere quod nullus esset ordinarius alius ab ipso, et quod omnia quae fiunt in Ecclesia posset agere si vellet per commissarios: sed credo quod non deceret, nec etiam ut credo, expediret, quia ut credo, illa quae pertinent ad regimen totius Ecclesiae non ita utiliter fierent si omnes essent commissarii, sicut ponendo quod aliqui sint ordinarii qui tam per se quam per alios possint regere populum sicut principaliter instituti in regimine populi.'

If the pope were to attempt to do without bishops entirely, he would clearly be exceeding the limits of his mandate. Hence, extensive as it may be, the pope's authority with regard to subordinate members of the ecclesiastical hierarchy is not without limitation.

More generally, Augustinus would maintain that papal authority is circumscribed by the limitations imposed by the divine and natural law. Since God is the author of divine and natural law, and since the pope is God's representative on earth, Augustinus argues that the pope could not violate their precepts without overstepping the limits of his authority.⁴⁹ The pope can be said to be above positive law, since it is established on papal authority.⁵⁰ But since divine and natural law rest on a foundation of divine authority, the pope must subject himself to the dictates of each: 'legis igitur eterne et divine papa debet esse imitator, quia ab ipso omnis lex et omnis iusticia derivetur.'⁵¹

49 Augustinus seems to argue this way in *Summa*, qu. 100.1. In this question he asks whether the statements of the early church fathers are of greater authority than the statements of the popes. In the course of the discussion he upholds a virtual identity in authority between the teaching of the popes and the teaching of Christ: 'eiusdem auctoritatis est doctrina summorum pontificum cuius est doctrina Christi, sicut eiusdem auctoritatis est veritas principalis auctoris et eius vicem gerentis'. However, rather than liberate the pope from all restraint, this leads to the conclusion that papal power must be circumscribed by other authorities whose divine sanction is more assured, although here only Scriptural authority is mentioned explicitly: 'In dubiis ergo occurrentibus in ecclesia primum locum auctoritatis tenet scriptura novi et veteris testamenti, que tota est de Christo tamquam de principali subiecto. Secundum vero canones apostolorum per quos immediate Christi doctrina est promulgata. Tercium decreta vel decretales summorum pontificum. Quartum dicta sanctorum doctorum. Et deinde dicta omnium virorum illustrium ecclesiasticorum qui talenta domini recepta multiplicarunt fructum aliquem in ecclesia fecerunt.'

50 *ibid.*, qu. 5.3. Of course, papal sovereignty over the positive law cannot be understood without qualification. Since positive law must be a reflection of divine and natural law, as the canonists pointed out, the pope must be limited by his responsibility to uphold the basic principles of justice and of the faith. The idea that the pope has sovereignty over the positive law of the church can be traced back in canonistic sources to Innocent IV. See Ganzer, *Papsttum und Bistumsbesetzungen*, pp. 61-62; L. Buisson, *Potestas und Caritas: Die päpstliche Gewalt im Spätmittelalter* (Cologne, 1958), pp. 82-86. However, later canonists strove to make clear that, if he is to avoid sinful conduct, the pope can put aside the provisions of the positive law only when there is good reason. See Ganzer, *Papsttum und Bistumsbesetzungen*, pp. 65-66; Buisson, *Potestas und Caritas*, pp. 98-124; M. Maccarrone, *Vicarius Christi: storia del titolo papale* (Rome, 1952), pp. 129-32. This is not unrelated to the claim that the pope has a responsibility to attend to the general welfare of the church, the *generalis status ecclesiae*. On this expression see J. H. Hackett, 'State of the Church: A Concept of the Medieval Canonists', *The Jurist* 23 (1963) 259-90; G. Post, 'Copyists' Errors and the Problem of Papal Dispensations *contra statutum generale ecclesiae* ...', *Studia Gratiana* 9 (1966) 357-405; Y. M.-J. Congar, 'Status Ecclesiae', *Studia Gratiana* 15 (1972) 1-31.

51 *Summa*, qu. 23.4: 'Responsio. Dicendum quod quantum ad presens triplex est lex: eterna, naturalis et positiva. Lex eterna [nec] ponitur nec deponitur. Lex vero naturalis ponitur sed non deponitur. Sed lex positiva ponitur et deponitur. Legis igitur eterne et divine papa debet esse imitator. ... Legis vero naturalis papa debet esse observator. Non enim potest ipsam mutare, quia

Wilks would admit Augustinus' acknowledgment of the paramount authority of divine and natural law, but would reply by maintaining that, for Augustinus Triumphus, 'the only way in which the divine-natural mode of right living becomes known on earth is through the ruler.'⁵² Hence, since the pope possesses an infallible rectitude for interpreting divine and natural law, in the final analysis rightness must be simply a function of the papal will. 'Although a certain amount of camouflage is required to make this doctrine palatable,' says Wilks, 'in practice all law becomes valid, technically just, not so much because it is intrinsically right but because it is the command of the sovereign There is only one act absolutely bad in itself — the rejection of the pope's authority, and the only absolute ethical norm is one of obligation to obey him.'⁵³

There are two issues raised here: (a) that it is only through the pope that the divine and natural law can be made known; and (b) that the pope is possessed of an infallible rectitude for making such judgments. To take the issue of infallibility first, although there may have been precedent among other late medieval theorists for such a doctrine,⁵⁴ it is not at all clear that Augustinus shares their convictions. Augustinus does maintain that it is part of the pope's function to settle doubtful matters of faith and provide authoritative interpretations of Scripture,⁵⁵ a duty in which he is quite autonomous. Although he would be well advised to take the counsel of theologians, it is up to him alone to make final authoritative decisions,⁵⁶ decisions which at least in some circumstances define what faithful Christians are required to believe.⁵⁷ However, his decisions only have this kind of authority when they are in harmony with the basic tenets of the Christian faith,⁵⁸ and there is no guarantee that this must always be the case.

sicut ab ipso non ponitur, ita ab eo non deponitur. ... Sed legis positive papa debet esse lator et imitator pro temporum congruentia, quia sicut ab ipsa [ipso?] ponitur ita ab ipso deponi potest.' Cf. Alvarus Pelagius, *De planctu ecclesiae*, chaps. 45, p. 86 and 46, pp. 86, 90.

⁵² *The Problem of Sovereignty*, pp. 155-56.

⁵³ *ibid.*, p. 154.

⁵⁴ For a general discussion of papal infallibility in the later Middle Ages see P. de Vooght, 'Esquisse d'une enquête sur le mot "infaillibilité" durant la période scolastique' in *L'infaillibilité de l'Eglise* (Chevetogne, 1962), pp. 99-146; B. Tierney, 'Origins of Papal Infallibility', *Journal of Ecumenical Studies* 8 (1971) 841-64; and most recently B. Tierney, *Origins of Papal Infallibility, 1150-1350* (Leiden, 1972).

⁵⁵ *Summa*, qu. 5.6 ad 3; qu. 10.3; qu. 67.2.

⁵⁶ *ibid.*, qu. 10.1 esp. ad 2.

⁵⁷ *ibid.*, qu. 10.2, 3.

⁵⁸ See, for example, *Summa*, qu. 5.6 ad 3 and qu. 10.3. In both of these passages Augustinus maintains that it is up to the pope to settle doubtful matters of faith, but 'illa semper conditione servata, quod nec preceptis evangelicis contrarium nec decretis sanctorum patrum inveniatur adversum'. The latter condition is clarified in qu. 100.1, where he asks whether the statements of the church fathers are of higher authority than the determinations of the popes. In answer to an objection he maintains that this can only be the case in virtue of their foundation in reason and Holy

According to Wilks, Augustinus carefully distinguishes between the person of the pope and the papal office,⁵⁹ maintaining that, although the pope as an individual may be as sinful or as much in error as any other man, the pope *qua* pope is necessarily infallible.⁶⁰ On a *prima facie* view there is much to be said for such an interpretation. As we have already seen, Augustinus does distinguish between the pope's person and office, and he does maintain that a pope acting in his official capacity is to be considered a mouthpiece for the divine. This might lead us to conclude that, when the pope acts in his official capacity, either his infallibility must be assured, or else he must be considered an imposter who has separated himself from his infallible office.⁶¹ However, logical as these alternatives may be, Augustinus does not opt for either of them. Like the Decretists he is reluctant to utilize the distinction between the papal office and the person of the pope to formulate a doctrine of papal infallibility.⁶² In his view the distinction

Scripture. Hence, because it is part of the pope's office to provide authoritative interpretations of Scripture, in the main body of the discussion he states that, strictly speaking, the statements of the popes are of higher authority than those of the church fathers, although of course they are not to be preferred to Holy Scripture itself.

59 *The Problem of Sovereignty*, pp. 363-64.

60 *ibid.*, p. 500; '*Papa est nomen iurisdictionis*', 268-69. Cf. Rivière, 'Une première "Somme"', 164-65.

61 Guido Terrenus would choose the first of these alternatives; Peter Olivi (and Wilks would suggest Augustinus Triumphus as well) would recognize the possibility of the second. According to Guido Terrenus it is not impossible for an individual pontiff to err in matters of faith. However, God would prevent such a pope from erring while determining matters of faith for the entire church. See his *Quaestio*, p. 28: 'dicendum quod summus pontifex, etsi ut est persona singularis possit in se errare, tamen propter communitatem fidelium et universalitatem ecclesie, pro cuius fide rogavit Dominus, non permittet cum determinare aliquid contra fidem in ecclesia Spiritus Sanctus, a quo ecclesia in fide regitur; immo talem papam a suo malo proposito impediret Deus sive per mortem sive per aliorum resistenciam sive per alios modos.' Cf. Hermannus de Scildis, *Tractatus* 1.7, p. 22. Olivi would not agree with Guido Terrenus on the necessary infallibility of official papal pronouncements. According to Olivi, someone functioning as a pope could indeed err in the official discharge of his duties, although in so doing he could not be considered a true pope. See his *Quaestio*, pp. 342-43: 'Tertia distinctio est de ipsa inerrabilitate, seu de impossibilitate errandi. Hec enim impossibilitas potest inesse aliquibus per se aut per alterum, et potest inesse simpliciter aut solum quoad quid; utpote si dicatur quod sedes romana existens sedes vera non potest errare, aut quod papa existens verus papa et verum capud ecclesie non potest errare; et talis impossibilitas est secundum quid, et de hac clarum est quod nec papa nec sedes romana potest in fide pertinaciter errare, saltem errore communi seu magistrali. Cum enim ecclesia generalis errare non possit, et sic per consequens nec capiti erroneo seu falso veraciter coniungi et inniti possit. Papa autem sic errans, errore scilicet communi, cum habeat rationem capitis erronei, et non solum persone singulariter et quoad se errantis, impossibile est quod papa sic errans sit verus papa et verum capud ecclesie.'

62 On the Decretists see Tierney, *Foundations*, pp. 36-46; *Origins*, pp. 14-57. Tierney points out that, although the Decretists were familiar with the distinction between the office and the person of the pope, they felt no compulsion to use the distinction to elaborate a doctrine of papal infallibility.

cannot be drawn sharply enough for such a purpose. As Augustinus himself explains:

cum talis potestas [clavium] sit sibi a Deo collata, non potest in ipsa excedere neque errare vel ea male uti *per se et formaliter* Similiter omnis usus clavis scientie verus et rationabilis est, cum sit derivata ab illo qui est via veritas et vita. Sed *per accidens et materialiter* papa et in clave potentie potest excedere, et in clave scientie potest errare.⁶³

The fundamental distinction is not between the pope's person and office, because, as Wilks himself acknowledges,⁶⁴ Augustinus had considerable difficulty preserving the distinction. The office tends to absorb the person and to a very large extent sanctify it;⁶⁵ the person tends to limit the office by subjecting it to the vicissitudes of human existence. Rather, the fundamental distinction, in Augustinus Triumphus, is between the papacy considered *formaliter* and the papacy considered *materialiter*. Considered in the first way, as a universal abstracted from all considerations of space and time, the papacy cannot fail, because God after all speaks through it. But considered in the second way, as embodied in this particular person who is nothing more than an imperfect instrument for the accomplishment of God's purposes, the papacy can indeed fail and has done so on occasions in the past.⁶⁶

63 *Summa*, qu. 20.6.

64 *The Problem of Sovereignty*, p. 366; '*Papa est nomen iurisdictionis*', 90-91.

65 Hence the pope could be a notorious sinner without this detracting from his papal status. See *Summa*, qu. 5.4; qu. 9.6; and qu. 29.3. Cf. Alvarus Pelagius, *De planctu ecclesiae*, chap. 60, p. 181.

66 For a similar interpretation see Tierney, *Origins*, p. 185 n. 2. Cf. de Vooght, 'Esquisse', 116-17. This may very well have been the thought of Herveus Natalis as well. Although he maintains that the papal *status* is infallible (*Tractatus de iurisdictione*, pp. 21-22), he does not conclude that every genuine pope must be infallible in the official performance of his duties (See *Tractatus de potestate papae*, p. 366: 'potestas Papalis includit posse ligare et solvere in foro conscientiae, et etiam tali modo quod sit acceptum Deo, *si fiat clave non errante*'). His final view on the matter seems to be that the pope can err like any other member of the church; that he can err in his official capacity, since a pontiff who errs in making official pronouncements for the church does not necessarily put himself outside his papal office; and therefore that it is only the universal church that is necessarily possessed of infallibility. See his *Tractatus de potestate papae*, p. 365: '... si obiiciatur contra hoc quod Papa (cum sit singularis persona) sit potens peccare et potens errare. Apud autem potentem errare non debet esse auctoritas contra quam non liceat opinari: dicendum quod licet Papa sit singularis persona et proprio motu agens possit errare, ... tamen Papa utens consilio, requirens adiutorium universalis Ecclesiae Deo ordinante qui dicit Petro, "Ego rogavi pro te [ut] non deficiat fides tua", non potest errare, nec potest esse quod universalis Ecclesia tanquam unum accipiat aliquod erroneum; nec tamen si Papa ut singularis persona sententiat errorem teneat, vel sequitur quod auctoritas eius obliget ad illam sententiam tenendam; nec etiam [sequitur] quod auctoritas illa sibi erranti subtrahatur, scilicet quod auctoritas sua non habet locum obligandi in tali casu, sed quod deest obiectum aptum natum autenticari: sicut non sequitur quod careat visu ille qui non videt saporem qui non est obiectum visus.'

Wilks refers to both the passage quoted above (*Summa*, qu. 20.6) and another (*Summa*, qu. 63.1 ad 1): 'preceptum pape personaliter et instrumentaliter mutabile est et fallibile. Sed auctoritative et principaliter immut(a)bile est et infallibile, quia auctoritas divina cui innitur immutabilis et infallibilis est.' The *auctoritative/ personaliter* distinction of the latter passage could easily be interpreted as serving to distinguish between the office and the person of the pope. In the final analysis so could the *formaliter/ materialiter* distinction of the first passage, since it strongly resembles a *formale/ materiale* distinction which Augustinus uses for precisely that purpose elsewhere in his treatise.⁶⁷ However, in each of these passages the distinction between office and person is blurred considerably,⁶⁸ and hence ultimately is not the distinction which enables Augustinus Triumphus to deal with the problem of the erring pontiff. This is not to minimize its importance. Alvarus Pelagius makes considerable use of the distinction between office and person as well, since it enables him to maintain that all popes are identical with respect to their office,⁶⁹ that their office is an earthly incarnation of divine authority,⁷⁰ that the office itself is sacred,⁷¹ and therefore that the pronouncements of any particular office holder must be approached with a presumption of rectitude.⁷² However, it cannot be used to insure such rectitude for the simple reason that papal pronouncements do not issue from the office in abstraction, but from its embodiment in the person of a mere mortal whose unfailing rectitude could never be guaranteed.⁷³ Hence, when Augustinus maintains that papal precepts can be fallible *personaliter et instrumentaliter*,⁷⁴ he implies

67 *Summa*, qu. 3.7: 'papa enim electus potest duo nominare, vel officium et auctoritatem, et istud est quid formale in papa, vel determinationem persone talis, puta Petri vel Iacobi, et istud est in papa quid materiale.'

68 Thus in *Summa*, qu. 63.1 Augustinus considers the pope *personaliter et instrumentaliter* at one and the same time, and in qu. 20.6 he refers to the official exercise of the power of the keys while considering the pope *materialiter*.

69 *De planctu ecclesiae*, chap. 54, p. 140. Cf. Aegidius Romanus, *De eccl. potestate* 2.4, p. 51.

70 *De planctu ecclesiae*, chap. 60, p. 182.

71 *ibid.*, chaps. 8, p. 28 and 54, p. 139. Cf. Aegidius Romanus, *De eccl. potestate* 1.2, p. 8; Alexander de S. Elpidio, *De eccl. potestate* 1.10, p. 11; James of Viterbo, *De reg. Christiano* 2.5, p. 210.

72 *De planctu ecclesiae*, chap. 26, p. 34; chap. 35, p. 37: 'Papa enim aut sanctus est aut sanctus praesumendus est, et ideo pro eo maxime praesumendum est quod sancte et iuste agat et vivat et contrarium caveat.'

73 Thus Alvarus maintains that it is possible to appeal from a poorly informed pope to a well informed pope. See *De planctu ecclesiae*, chap. 15, p. 32. Referring to the pope, he argues that 'nullus in terris a suo iudicio et sententia ex certa scientia lata nisi ad Deum valeat appellare'. However, he continues: 'Crediderem tamen quod a papa male informato posset appellari ad eum bene informandum. ... Cum enim papa ut homo peccare possit et decipi, ... nec papam debet pudere suum errorem corrigere qui positus est errores corrigere aliorum, ne unde iura nascuntur nascantur iniuriae.'

74 *Summa*, qu. 63.1 ad 1.

that the pope, in his official capacity as *instrumentum Christi*, is susceptible to error. And when he claims that 'papa et in clave potentie potest excedere, et in clave scientie potest errare',⁷⁵ he provides us with a straightforward statement that the pope can err in the official performance of his duties.

Whether the pope is infallible or not, however, Augustinus would not suggest, as Wilks says he does, that the divine-natural law can be known only through him. Augustinus maintains that, although the pope is to be obeyed automatically if his statements relate only to positive law, this is not the case if they relate to matters covered by the divine law. In such situations the pope's conformity to the basic principles of divine law is a pre-condition for obedience, and where such conformity is lacking it is the duty of the faithful to resist the erring pontiff.⁷⁶ Such a duty could not possibly be fulfilled unless the faithful possessed some God-given capacity for interpreting divine law themselves, and for using such interpretations in evaluating the conduct of the reigning pontiff. Much the same can be said about natural law. According to Augustinus, just as in the speculative intellect there are implanted *a priori* principles of reason, such as the principle that every whole must necessarily be greater than any of its several parts, so in the practical intellect there are implanted *a priori* principles of right conduct, such as the principle: do unto others as you would have them do unto you.⁷⁷ Since these principles are universal in form, and cannot be put into practice without determining how they are to be applied in different situations, papal authority must still be considered quite extensive. It is part of the papal office to make such decisions. However, the point to be emphasized is that, if papal authority is superior to natural law and our interpretation of it, it is only with regard to these acts of specification.⁷⁸ When Augustinus maintains that papal

⁷⁵ *ibid.*, qu. 20.6.

⁷⁶ *ibid.*, qu. 22.1. He asks if Christians should obey the pope in everything and answers as follows: 'Responsio. Dicendum quod illa que papa precipit vel clauduntur sub iure naturali vel sub iure divino vel sub iure positivo. Si clauduntur sub iure divino non est obediendum pape si mandaret aliquid contra illa. Puta si preciperet quod creatura aliqua honore latrerie adoraretur, vel quod nomen Dei invanum assumeretur, aut quod tempus deditum ad cultum Dei sibi subtraheretur, sibi non esset obediendum, imo fortiter resistendum.'

⁷⁷ *ibid.*, qu. 60.1 and qu. 63.1. It is perhaps significant that, according to at least one of the definitions of natural law that gained some currency among the canonists, 'natural law was to be identified with "natural reason", the faculty that enabled man to distinguish between the good and the evil and which, moreover, prompted him to select the good as the basis of his action' (Ullmann, *Medieval Papalism*, p. 39).

⁷⁸ *ibid.*, qu. 60.1. He refers to two characteristics possessed by the natural law which is impressed on our minds: 'Primo quia est aptitudinalis non actualis. Secundo quia est universalis non particularis. Quia vero est aptitudinalis non reducitur ad actum nisi per nostram operationem et extrinsecam impulsione. Sed quia est universalis non potest ad actum reduci nisi per aliquorum additionem et aliquorum subtractionem. ... Cum ergo queritur an papa possit dispensare in lege nature, puto esse dicendum quod in lege nature secundum eius inclinationem universalem papa

judgments take precedence over conscience, this is all that he means. In this context 'conscience' does not refer to our convictions about the basic principles of right conduct themselves, but rather to our judgments about how these principles are to be applied in specific cases.⁷⁹ The paramount authority of the basic principles of natural law and our ability to perceive them both remain intact, and together provide a basis on which papal conduct can be subjected to human scrutiny.

Indeed, it is doubtful whether Augustinus would grant even this much weight to the papal prerogative. In judging of the relative authority of conscience (as he defines the term) and a papal precept, Augustinus distinguishes between a conscience that is right (for the sake of convenience let us call it simply right conscience) and a conscience that is wrong (similarly let us call this wrong conscience). *Intensive*, he says, the precept of the pope may have more force than the dictates of right conscience, because it binds in both the internal and the external *fora*, whereas right conscience binds in the internal forum alone. However, this is the case only if the papal precept itself is right. If it is not, it is binding only in the external forum, whereas right conscience binds in the internal forum and hence in the eyes of God. Since, therefore, a papal precept can fail to bind in the internal forum whereas right conscience cannot, in the final analysis right conscience must take precedence over the dictates of any given pope.⁸⁰ The situation

dispensare non potest, quia illa universalis inclinatio quam legem nature appellamus a superiori agente est cuilibet nature impressa. Sed in lege nature quantum ad eius additionem et quantum ad eius subtractionem papa dispensare potest, quia suum est supra illam universalem inclinationem aliqua particularia addere et aliqua ibi potentialiter contenta subtrahere et explicare, per quorum subtractionem vel additionem contingat secundum illam aptitudinalem vel habitualement inclinationem actualiter agere vel pati.'

⁷⁹ *ibid.*, qu. 67.4 ad 1: sicut in regimine exteriori est duplex lex necessaria: una naturalis certificans de agendis in universali, alia positiva descendens ad causas speciales, sic in regimine interiori anime ponitur duplex lex: una naturalis que interficiat de regulis operandorum universalibus, alia que certificat de casibus operandorum particularibus que appellatur conscientia. Utriusque autem legis papa interpret est et utraque subicitur iudicio suo, quia legem nature, quamvis non ponat in universali, pertinet tamen ad ipsum ponere in particulari particulares casus ex ipsa eliciendo et specialiter explicando. Similiter conscientia, quamvis ipse non ponat eam simpliciter, ponit eam tamen secundum quid, quia iudicio suo quis debet stare si sit recta vel non recta.'

⁸⁰ *ibid.*, qu. 63.3: 'Intensive ... fortius ligat preceptum pape quam ligamen conscientie, quia ligat in foro exterioris iudicii in quo non ligatur ligamen conscientie, ... et ligat in foro interioris conscientie, eo quod homo conscientiam suam rectam ad preceptum pape debet conformare, erroneam vero conscientiam ad preceptum pape debet deponere.' Immediately before this, however, he states the following: 'Conscientia ergo recta que recta esse creditur in omnibus ligat. Preceptum vero pape non ligat in omnibus, quia in malis et in his que sunt contra Deum non ligat.' Hence in reply to an objection he speaks as follows: 'papa est super hominis conscientiam in foro exterioris iudicii. In foro vero interioris conscientie homo subiicitur soli Deo qui secundum intentionem eius operi suo finem imponit. Unde in pluribus ligatur homo interiori conscientia quam precepto pape, eo quod quicquid agit homo contra conscientiam credens contra Deum agere eius iudicio punitur,

is not quite so clear with regard to wrong conscience because of the difficulties surrounding its binding nature in the internal forum. To put aside the dictates of wrong conscience would be evil, because it is always evil to abandon one's conscience. To follow the dictates of wrong conscience would also be evil, because by definition wrong conscience sanctions some violation of natural law. Hence, since wrong conscience involves a mixture of good and evil whereas papal precepts are simply good, a papal precept must take precedence. However, once again this is only the case if the papal precept itself is right. If it is not, it has no binding force whatever, and hence must once again take a subordinate place.⁸¹

None of this, of course, would be of any help to a perplexed Christian who simply knows that his conscience tells him one thing and the pope something else, without being in a position to determine in any absolute sense which is right. In the final analysis situations like these are probably analogous to those in which there is some doubtful matter of the faith. Hence as in those situations so in these individual Christians should humbly submit themselves to papal judgment on the matter: this would explain his statement that we should submit ourselves to papal authority whether the pope is right or wrong.⁸² However, Augustinus would go on to maintain that, if the papal verdict were to violate the basic principles of right conduct themselves, the faithful Christian would be under no obligation to obey him. Although Wilks would suggest that these general principles cannot be known except in their specifications, the clear statements of Augustinus himself seem to lead to a different conclusion. Augustinus cites several examples, and says that if the pope were to violate them the faithful should deny him their obedience.⁸³

Further than this the faithful could not go. They could not actually bring the pope to judgment because, rather than being a popular representative answerable to the Christian community, the pope is Christ's vicar on earth. However, as we have already seen, Augustinus Triumphus is forced to recognize a mixture of

sed non quicquid homo agit contra papam, vel transgressor mandati pape non in omnibus est puniendus.'

81 *ibid.*, qu. 63.2: 'magis ligat preceptum pape quam ligamen conscientie erronee. Verum est enim quod secundum quid et ut nunc magis ligat ligamen conscientie erronee quam preceptum pape extensive, eo quod conscientia erronea durante erronea ligat ad malum et ad bonum: ad bonum quidem ex obligatione precepti divini, ad malum vero ex obligatione erronee conscientie que putatur recta. Preceptum vero pape numquam ligat nisi ad bonum, quia ad malum preceptum pape non esset tenendum, imo omnino spernendum.'

82 *ibid.*, qu. 67.4, quoted in n. 79.

83 *ibid.*, qu. 22.1: 'illa que papa precipit vel clauduntur sub iure naturali vel sub iure divino vel sub iure positivo. ... Si autem clauduntur sub iure naturali et papa mandaret aliquid contra illa fieri, ut fornicari, furari, vel innocentem occidere, vel quod homo non comederet, vel quod matrimonium non contraheret, similiter in talibus sibi obediendum non est.'

human and divine elements in his treatment of the papacy itself. For purposes of discussion one can distinguish between a divine office and a human person, the Pope and the pope, but in the final analysis these two elements are inseparable, the one necessarily conditioning the other. The divine office influences the human person by sanctifying it, so that ultimately the human characteristics of an individual pontiff count very little: he could be a notorious sinner without losing his papal status. The human person influences the divine office by subjecting it to the conditions of human existence. Since the papal office can exist only in some particular person, since Christ can speak only through some particular human agent whose unfailing rectitude could never be assured, a doctrine of papal infallibility is inconceivable. The point to be made here, however, is that the same mixture of divine and human elements can be seen in Augustinus' treatment of both papal election and deposition. On both of these issues Wilks would argue that Augustinus Triumphus changes his position radically, first protecting papal sovereignty by denying any significant role to the other members of the church, then arguing that ultimately it is the other members of the church to whom the pope is responsible. However, Augustinus Triumphus would adopt neither of these doctrines, preferring instead a thoroughly consistent position somewhere between the extremes.

In the first place this can probably be seen best in his treatment of papal election. Augustinus argues that, although God takes more interest in the pope than in any other human governor,⁸⁴ it is fitting that the pope be elected by men rather than directly by God himself. As long as Christ was living among men it was entirely proper for him to choose his own successor himself. But once he ascended into heaven the situation changed, and it became appropriate that the ability to elect Christ's vicar be left to his apostles and their successors.⁸⁵ Hence now the task of electing the vicar of Christ is entrusted to the college of cardinals (a two-thirds majority of the college being sufficient to elect a pope⁸⁶), or, in the case of their deficiency, to a general council of the universal church. Under normal circumstances a general council cannot be convened without the consent of the presiding pontiff, nor would its decrees have any authority without his confirmation. But the situation is entirely different if the pope is dead and the college of cardinals deficient: '*ipso [papa] mortuo et collegio deficiente, posset concilium ordinare et terminare de omnibus que pertinent ad utilitatem ecclesie.*'⁸⁷ For Augustinus Triumphus the important consideration is that there be some com-

84 *ibid.*, qu. 1.5.

85 *ibid.*, qu. 2.1.

86 *ibid.*, qu. 2.4.

87 *ibid.*, qu. 3.2 ad 2.

petent body within the church capable of electing the pope when the need arises, whether this be the college of cardinals or the general council, for the only alternative would be the entirely inappropriate one of allowing the pope to choose his own successor. Although Wilks maintains otherwise, this is an alternative which Augustinus Triumphus clearly does not favour.⁸⁸

Wilks would maintain that, for Augustinus Triumphus, the election by the college of cardinals does not have any constitutive significance, at least when he is talking about Augustinus Triumphus at his hierocratic best. However, that the election does have genuine constitutive significance can be shown in various ways. First of all, Augustinus carefully considers alternatives before settling on election by the cardinals as being the method most likely to yield a suitable candidate. When he argues that the pope should be chosen by election rather than hereditary succession, that the election should be undertaken by several people rather than by the pope himself, and that the college of cardinals should be the body to which the right of election applies, he chooses the alternatives he does because they are the most likely to result in a candidate well qualified for governing the church in Christ's stead.⁸⁹ If the election did not have constitutive significance, such considerations would hardly have been necessary. Furthermore, the constitutive nature of the election seems to be illustrated by the positive attitude that Augustinus takes toward it once it is accomplished, even when it results in a candidate not thoroughly desirable. Despite the fact that the process he favours is, in his estimation, the best for choosing the right candidate, he is

88 Referring to *Summa*, qu. 2.3, Wilks maintains that 'with Augustinus Triumphus ... we find an outright assertion of the pope's right to choose his own successor. This would, he admits, run counter to a previous ruling (Gratian, C.8 q.1 c.1), but this may be ignored on the grounds that one pope cannot bind a future pope: "par in parem non habet imperium"' (*The Problem of Sovereignty*, pp. 467-68). However, although Augustinus recognizes that Pope Clement was appointed directly by Peter, he also maintains that Clement quickly resigned to allow an election to take place, and that election is the method that should be followed still (*Summa*, qu. 2.2 et 3). He does refer to Gratian, and he does appeal to the principle: 'par in parem non habet imperium', but as a way of demonstrating that no future pope could ever repeat Peter's practice. See *Summa*, qu. 2.3: 'si papa eligeret sibi successorem hoc faceret in virtute statuti ecclesie. Sed statuta ecclesie sunt in contrarium, sicut patet viii. q. 1. per totum. Sed si queratur: si papa faceret statutum in contrarium de eligendo successorem, possetne ipse successorem dimittere, dicendum est quod non, quia faceret statutum valiturum pro futuro tempore in quo ipse non esset iudex.'

89 Although he has several reasons for these choices, the following are not atypical. Election is to be preferred to hereditary succession because 'si ... papa fieret per successionem casuale esset quod esset pollens vite sanctitate et doctrine veritate' (*Summa*, qu. 2.3). Election by many is to be preferred to election by one man alone, 'ut ex collatione et concordia plurium talis electio careret errore et mereretur suscipere divinam inspirationem' (qu. 2.2). The task of electing the pope is to be entrusted to the cardinals because they succeed to the apostles' function of assisting the pope on a day-to-day basis (qu. 3.1), and hence would be more acutely aware than the bishops of the qualities that a successful pontiff should possess.

perfectly aware that, human weaknesses being what they are, it will not always result in an ideal pope. Nevertheless, he is prepared to stand by an election by the college of cardinals, provided only that it has met a few basic requirements: i.e. that it has achieved a two-thirds majority, that it has been a free and canonical election, and that it has not resulted in the selection of a manifest heretic.⁹⁰ In any circumstances short of these extreme ones the election by the college is to be honoured, for whoever is elected by the cardinals is to be regarded as called of God.⁹¹

At this point Wilks would argue that, since the cardinals elect the new pope only on papal authority, for Augustinus Triumphus the election by the college of cardinals is no more than a mere nomination; and since the election must be approved by the new pope before he is a properly constituted pope, ultimately it is really the pope who elects himself. However, two points have to be made here. First of all, although Augustinus does maintain that the cardinals elect the pope only on papal authority, he does not wish to imply that the verdict they reach in conclave is a simple nomination. All he means is that the cardinals' right to elect the new pope depends upon the papacy's having given them the authority.⁹² Short of deciding to elect their successors themselves, it is up to the popes to determine the form of papal elections.⁹³ Secondly, although he says that the newly elected pope must approve his own election, all he means by this is that a person cannot be forced to take on such an onerous responsibility. He does not wish to imply a doctrine of a self-generating papacy, for in addition to practical problems, such a doctrine would involve the logical impossibility of the pope actually *giving* himself authority that he did not already possess.⁹⁴ Given the fact,

90 *Summa*, qu. 2.5.

91 *ibid.*, qu. 2.1 ad 1: 'vocatur quis a Deo quemcunque eligit communitas ecclesie, etiam si malus sit, quod sepe contingit vel pro malo suo vel populi vel utriusque peccato.'

92 Wilks refers to two passages to establish his point that election by the college of cardinals is a mere nomination: *Summa*, qu. 6.5 ad 1; and *Summa*, qu. 3.7. According to the first of these: 'papa eligit cardinales et cardinales eligunt papam, non tamen eodem modo, sed papa eligit cardinales propria sua virtute, quia quicquid fructus et quicquid auctoritatis est in eis est a papa. ... Sed cardinales eligunt papam auctoritate ipsius pape non auctoritate propria, quia [quod?] enim a duabus partibus cardinalium electus ipso facto ab universali ecclesia summus pontifex habeatur auctoritate pape firmatum est.' According to the second: '[Cardinales] possunt papa mortuo eligere et terminare hanc personam vel illam ita ut fungatur auctoritate papatus super universalem ecclesiam, et hoc non nisi auctoritate pape, quia quod ipsi cardinales sunt deputati ut possint eligere et terminare personam hanc vel illam ad papatum non nisi auctoritate pape hoc faciunt.' Neither of these passages establishes more than the point made above.

93 *Summa*, qu. 3.7: 'tam electio quam modus eligendi roboratur in collegio auctoritate pape'.

94 See the comments of Guillelmus Petrus de Godino, *De causa immediata* 5.2, fol. 56v. Referring to the pope's consent to his own election he says: 'Constat autem quod consensus nihil dat sibi, tum quia nemo potest dare quod non habet nec sibi nec alteri, tum etiam quia inter dantem et accipientem debet esse distinctio personalis. ... Unde consensus electi bene est causa sine qua

then, that the cardinals' authority is derived from the pope, Augustinus Triumphus is prepared to grant to the election by the college of cardinals its own genuine significance. In the final analysis nothing could be more appropriate in a theorist whose thought displays a tendency to exalt the status of the cardinals when the papal monarchy itself is not thereby jeopardized.⁹⁵

One should not, however, follow Wilks by swinging to the other extreme, for one cannot conclude that the cardinals play the only (or even the chief) consti-

non sibi acquiritur ius, sed constat quod nunquam est causa principalis per quam sibi acquiritur.' To substantiate his suggestion that Augustinus would not agree, Wilks refers to three passages of the *Summa*: qu. 2.6 ad 1; qu. 4.5; and qu. 39.1. The first of these passages has nothing to do with the pope approving his own election. Here Augustinus states simply that a papal election is its own confirmation, since the pope cannot be subjected to an examination or confirmation by some superior: 'electio autem pape sic est confirmatio quod sua propria auctoritate non potest per aliquem superiorem examinari vel approbari' (qu. 2.6 ad 1). The same point, that a papal election is its own confirmation, is made in the third passage: 'imperator per solam electionem non potest administrare nisi beneficium confirmationis recipiat, quia tunc sequeretur quod sua electio esset eius confirmatio, quod solum veritatem habet de summo pontifice qui superiorem non habet' (qu. 39.1). In the remaining passage Augustinus does maintain that the pope confirms himself by consenting to his own election, but his statements here have to be interpreted in the light of his other statements on the matter. According to Augustinus: 'quia papa inter homines superiorem se non habet, ideo sicut consentire electioni de se facte est eius confirmatio, quia statim habet omnem papalem iurisdictionem, ita renunciare et dissentire eius iurisdictioni est eius depositio. Unde loquendo de confirmatione visibili que fit per hominem, sicut papa per seipsum confirmat eius electioni consentiendo, ita seipsum deponit eius iurisdictioni renunciando' (qu. 4.5). Given his other statements on the matter, this is just another way of saying that, since the pope has no superior, there is no need for confirmation in his case. All that is needed is his simple consent, a consent that has no particular constitutive significance beyond what is mentioned above. Benson, however, offers a slightly different view, while providing some canonistic background on the matter (*Bishop-Elect*, pp. 156-67). He emphasizes that Hostiensis attributed considerable constitutive significance to the pontiff-elect's consent to his election, and that Augustinus chose to follow him in this respect. Hence, appealing to *Summa*, qu. 4.5, he maintains: 'Augustinus Triumphus suggested that the pontiff-elect's consent actually constitutes the confirmation of his election. [His] identification of consent and confirmation successfully explained Hostiensis' ascription of constitutive power to this consent, since electoral confirmation sanctioned the administrative and jurisdictional rights of all lesser bishops-elect' (ibid., p. 165).

⁹⁵ The point is Alberigo's, and is illustrated by the fact that, in the ecclesiology of Augustinus Triumphus, the cardinals are successors to the apostles, counsellors to the popes, and of a higher state of perfection than the bishops. See G. Alberigo, *Cardinalato e collegialità: studi sull'ecclesiologia tra l'XI e il XIV secolo* (Florence, 1969), pp. 122-35. It should be emphasized, however, that with regard to the relationship between the pope and the cardinals, Augustinus places his emphasis upon the papal prerogative, and hence seems to parallel the main drift of canonistic thought on the matter. For the canonists see J. Watt, 'The Constitutional Law of the College of Cardinals: Hostiensis to Joannes Andreae', *Mediaeval Studies* 33 (1971) 127-57. For a slightly different view of the canonists, one acknowledging oligarchic tendencies in people like Hostiensis and Joannes Monachus, see Tierney, *Foundations*, pp. 68-84, 149-53, 179-90, 206-12. Cf. J. Lecler, 'Pars corporis papae ... le sacré collège dans l'ecclesiologie médiévale' in *L'homme devant Dieu: mélanges offerts au père Henri de Lubac* 2 (Paris, 1964), pp. 183-98.

tutive role in the process whereby the pope is chosen. To draw such a conclusion would be to overlook the fact that God operates in a special way in the election of the pope.⁹⁶ Augustinus does point out that, when the pope is dead, papal power remains in the college of cardinals as in a *radix propinqua*, and in the universal church as in a *radix remota*.⁹⁷ However, he goes on to say that papal power remains in the college of cardinals only 'quantum ad id quod in papatu est materiale'; 'quantum ad id quod in papatu est formale' it remains with God. Hence, since one cannot actually function as a pope without possessing both the material and the formal elements of the papacy, the college of cardinals can only take on papal responsibilities that have been entrusted to it by preceding popes.⁹⁸ More importantly, however, since the formal element in the papacy can be identified with the papal office and the material element with the person of the individual pope, the conclusion that necessarily follows is that both God and man have roles to play in the creation of a pontiff. Since the papal office is simply a mouthpiece for the divine, the authority of the papal office comes directly from God himself. However, since the office cannot function in abstraction, but must rather be entrusted to some particular individual, there must be some means of designating the individual to whom the office will be committed, and this is the task undertaken by the college of cardinals.⁹⁹ 'collegium non est causa papatus quantum ad officium et auctoritatem quod est quid formale in papatu, sed est causa determinationis persone per consensum eius.'¹⁰⁰ The creation of a pope is a

96 *Summa*, qu. 1.5: 'licet enim omnis potestas sit a Deo, ut dicitur ad Ro. xiii, potestas tamen pape immediatius et singularius est a Deo quam alia. ... licet in electione omnium potestatum Deus operetur, quod[dam] tamen singulari modo operatur in electione summi pontificis qui suos fideles habet regere et ordinare ad cultum Dei.'

97 *ibid.*, qu. 3.8: 'comparatur enim collegium ad papam sicut radix ad arborem vel ad ramum. ... sicut potestas rami vel arboris que floret et fructum producit remanet in radice ipso ramo vel ipsa arbore destructa, sic ut videtur potestas papalis remanet in collegio vel in ecclesia ipso papa mortuo, in collegio quidem tanquam in radice propinqua, et in ecclesia prelatorum et aliorum fidelium tanquam in radice remota.' Cf. *Summa*, qu. 6.6 ad 1; *De potestate collegii* (ed. Scholz), p. 505; *De potestate collegii* (ed. Mulder), pp. 52-53.

98 *Summa*, qu. 3.8. Cf. *De potestate collegii* (ed. Mulder), p. 53.

99 *ibid.*, qu. 3.7: 'Si ergo consideretur papatus quantum ad officium et auctoritatem quod est quid formale, sic papatus non est per electionem collegii alias concilii sed per electionem immediatam a Christo. Quia omnes pape qui fuerunt a principio et erunt usque in finem mundi non sunt nisi unus papa, quia ex quo habent omnes illud idem officium et illam eandem auctoritatem quam habuit beatus Petrus qui fuit primus, sequitur quod omnes formaliter non sint nisi sicut Petrus, et quod omnes non sint nisi primus papa qui non fuit electus a puro homine sed immediate a Christo a quo recepit auctoritatem papatus in persona omnium sequentium. Si vero consideretur in papatu terminatio persone illius vel istius quod est quid materiale, isto modo papatus bene est per electionem cardinalium, ... quia possunt papa mortuo eligere et terminare hanc personam vel illam ita ut fungatur auctoritate papatus super universalem ecclesiam.'

100 *ibid.*, qu. 3.7 ad 2.

cooperative venture, but one in which God plays the principal role. The cardinals simply designate the person to whom God commits the authority.¹⁰¹

Much the same can be said about a papal deposition, although here somewhat less emphasis is placed on the role to be played by the community of the faithful. The pope is certainly subject to the admonition of the faithful, if it is done with discretion, with reverence toward the papal office, and out of genuine good will and not a desire for defamation.¹⁰² For all these reasons the admonition should be delivered in private, unless the pope is a manifest heretic whose continued administration would threaten the well-being of the entire church.¹⁰³ Further than this, however, the faithful cannot go. In the case of a papal heretic a written accusation and subsequent trial might seem appropriate.¹⁰⁴ But Augustinus makes it quite clear that a formal accusation cannot be lodged against a pope,¹⁰⁵ for as Wilks quite correctly maintains, a pope who merits deposition can be regarded as already having put himself outside the papal office:

101 Cf. Alvarus Pelagius, *De planctu ecclesiae*, chaps. 17, p. 32, 45, p. 81 and 59 (57), p. 174; Aegidius Romanus, *De eccl. potestate* 2.4, p. 52; Guillelmus Amidani, *Reprobatio errorum* (ed. Piolanti), qu. 4, pp. 525-26; Hermannus de Scildis, *Tractatus* 2.2, p. 62 and 2.7, p. 72; Pierre de la Palu, *Tractatus* 1.3, pp. 182 ff. These publicists all emphasize, although in their different ways, that the pope derives his authority immediately from God. For views even closer to those of Augustinus Triumphus see Aegidius Romanus, *De renun. papae*, chaps. 6, p. 11 and 11, p. 34; Alexander de S. Elpidio, *De eccl. potestate* 3.7, pp. 37-38; Herveus Natalis, *Tractatus de potestate papae*, pp. 368, 389; Guillelmus Petrus de Godino, *De causa immediata* 5.2, fols. 56, 58r and 6.3, fols. 73v-74r. As Alexander explains: 'cum solus Deus confirmat aliquem in papam, licet etiam ad hoc operetur dispositive electio cardinalium, ipse tamen solus dat papatum. Dicitur autem ipse solus dare papatum, quia ipse solus potest dare papatum talem scilicet potestatem hominibus ut quod est ligatum in terra sit ligatum in coelis, et quod solutum est in terra sit solutum in coelis.' However, for a different view, one giving more emphasis to the role played by the College of cardinals, see Peter Olivi, *De renun. papae*, p. 354: 'Ea igitur ratione, qua omnis causa, in quantum causa, preest suo causato, in quantum causato, presunt electores pape futuri ipsi pape, ut in papam creando. Unde et eidem ab eis electo possunt precipere, ut consentiat electioni, nisi suam nimis notabilem insufficientiam, toti ecclesie nimium periculosam, posset evidentissime allegare.'

102 *Summa*, qu. 7.1 esp. ad 1.

103 *ibid.*, qu. 7.2 et 3.

104 See *ibid.*, qu. 7.4, where Augustinus distinguishes between denunciation and accusation: 'denunciatio fit propter emendationem fratris, et ideo precedit fraterna reprehensio antequam fiat talis denunciatio, ut simul preservetur fama cum emendatione delinquentis. In accusatione vero intenditur satisfactio ecclesie et preservatio salutis reipublice, propter quod non de omnibus fienda est accusatio, sed solum de illis de quibus evidens est quod proveniat periculum toti multitudini et toti reipublice, vel spirituali vel corporali. Et quando sic est potest homo ad accusationem procedere monitione secreta non precedente, quia bonum commune preferendum est bono privato. Unde accusationem oportet inscribi, denunciationem vero non.'

105 *ibid.*, qu. 7.1. Here he discusses whether the pope is subject to reproof by distinguishing between three different kinds of reproof. The second and third kinds are particularly interesting: 'Secundo potest fieri per modum imperii et pene comminationis. Tercio per modum denunciationis et incusationis coram iudice, et neutra istarum extendit se ad papam quia predictis modis ipse omnes iudicat et a nemine iudicatur.'

subditus non debet iudicare vel discernere an debeat obedire pape si precipiat illa que sunt secundum Deum et secundum illa que consueta sunt observari in religione Christiana consona iuri divino et iuri naturali. Sed si notabiliter precipierentur inconsueta et dissona a preceptis Dei et preceptis legis nature, cum papa sic precipiendo esset infidelis, *seipsum iudicaret*, quia qui non recte credit iam iudicatus est.¹⁰⁶

Augustinus does discuss both the number of witnesses necessary for the deposition of a pope and the court which would have the proper authority for such a deposition. On the first matter he maintains that two or three witnesses would be sufficient if the pope were guilty of manifest heresy (since in these circumstances scarcely any witnesses at all are necessary), although in doubtful cases more witnesses would be appropriate.¹⁰⁷ On the second matter he maintains that the proper court would be a general council of the church. Under normal circumstances a council cannot be convened without papal authority. But in the case of a papal heretic the authority of the cardinals, some bishops and some theologians would be sufficient.¹⁰⁸ All of this might warrant the conclusion that Augustinus envisages a process of bringing the pope to judgment, although there is no question of a pope being deposed for any offense other than heresy.¹⁰⁹ Others had certainly shown themselves to be willing enough to draw such a conclusion.¹¹⁰ However, in these passages Augustinus is simply outlining the

106 *ibid.*, qu. 22.1 ad 2. Cf. Aegidius Romanus, *De renun. papae*, chap. 9, p. 20; Alvarus Pelagius, *De planctu ecclesiae*, chaps. 6, p. 27, 34, p. 37 and 45, p. 82; *idem*, *Collirium*, p. 507; Franciscus Toti, *Tractatus*, p. 81; Guillelmus Amidani, *Reprobatio errorum*, p. 25; Guillelmus Petrus de Godino, *De causa immediata* 4.1, fol. 47r; Hermannus de Scildis, *Tractatus* 2.4, p. 67; Pierre de la Palu, *Tractatus* 1.3, pp. 195, 200.

107 *Summa*, qu. 5.5.

108 *ibid.*, qu. 5.6 esp. ad 1.

109 *ibid.*, qu. 5.4. Sinful conduct might justify punishment in the world to come, but it would not justify deposition in the present world unless the pope were to become guilty of what is tantamount to heresy by attempting to justify it as becoming conduct for a Christian (qu. 5.4 ad 3).

110 See, for example, the 'cardinal conciliarism' of Peter Olivi, *Epistola*, p. 369; and *De renun. papae*, p. 356: 'Qua ratione collegium cardinalium quo ad quid participat vim superioris in substituendo papam, eadem ratione debet eam consimiliter participare in acceptando renuntiationem pape. ... Preterea, nonne si papa in heresim publice et contumaciter laberetur, ad ipsos spectaret precipue, hoc discernere et iudicare? certo; ymmo ergo ipsi in hoc iudicio haberent quo ad quid rationem superioris.' The fourteenth-century canonists (e.g. Guido de Baysio, Joannes Andreae, Henricus Bohic), many of whom were otherwise intent on exalting the papal monarchy, also displayed some conciliarist tendencies. On this see Tierney, *Foundations*, especially pp. 199-219; Buisson, *Potestas und Caritas*, pp. 182 ff.; and J. M. Moynihan, *Papal Immunity and Liability in the Writings of the Medieval Canonists* (Rome, 1961), pp. 117-24. On the more general issue of the development of conciliar ideas in canonistic thought, see, in addition to the sources already mentioned, B. Tierney, 'Ockham, the Conciliar Theory and the Canonists', *Journal of the History of Ideas* 15 (1954) 40-70; *idem*, 'Pope and Council: Some New Decretist Texts', *Mediaeval Studies* 19 (1957) 197-218; and J. Watt, 'The Early Medieval Canonists and the Formation of the

procedure that must be followed in determining whether or not the pope can be considered to have lost his authority. In the creation of a pope God bestows the authority and man simply designates the individual to whom the authority has been committed. Similarly, in the act of papal deposition the pope himself surrenders his authority back to God, and man simply determines that this has been done in any given case.¹¹¹ If more than this is to be attributed to the actions of a general council, it is only because an heretical pope has already ceased to be pope, and in a sense a council can pass judgment upon him just as it can elect another pope in his place.¹¹² In practice there might not be much to choose between judging the pope and simply determining whether or not he has lost his authority. In theory, however, there is a world of difference between them. Hence Augustinus follows a well-established canonistic precedent,¹¹³ and goes out of his way to show that he favours the latter of the two alternatives.¹¹⁴

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Conciliar Theory', *Irish Theological Quarterly* 24 (1957) 13-31. One might also note H. Zimmermann, *Papstabsetzungen des Mittelalters* (Graz, 1968). Zimmermann illustrates how the limitation of the pope by a council had been a frequent practice in the church even before the canonists had given much serious thought to the issue.

111 To put it more precisely, if the pope loses his faith, he puts himself in a position in which it is impossible for him to continue functioning as head of the church. See *Summa*, qu. 5.1: 'Dicendum quod papa eligitur in caput totius ecclesie.... Capitis autem est influere vitam omnibus membris. Principium autem vite spiritualis est ipsa fides, quia sine fide est impossibile placere Deo Si ergo papa deprehendatur devius a fide, mortuus est ipse vita spirituali, et per consequens aliis influere vitam non potest. Unde sicut homo mortuus non est homo, ita papa deprehensus in heresi non est papa, propter quod ipso facto est depositus.' Cf. Alexander de S. Elpidio, *De eccl. potestate* 3.8, p. 39; Guillelmus Petrus de Godino, *De causa immediata* 4.1, fol. 47r; and Pierre de la Palu, *Tractatus* 1.3, p. 195. As Pierre explains: 'Non potest, autem, esse caput a corpore precisum quamdiu est caput illius corporis; unde papa per hoc desinit esse caput illius corporis, quod ab illo prescinditur per heresim.'

112 *Summa*, qu. 5.6. One of the reasons he gives for attributing the function of 'deposing' the pope to the general council is the following: 'sicut papa mortuo potestas eius remanet in collegio cardinalium vel in collegio universalis ecclesie ut supradictum est, sic papa in heresi deprehensus statim ipso facto potestas eius remanet in ecclesia Per talem igitur potestatem ecclesia posset illum damnare sicut per talem potestatem potest alium sibi preficere.' Cf. Franciscus Toti, *Tractatus*, p. 81; Guillelmus Petrus de Godino, *De causa immediata* 4.1, fol. 47r; Pierre de la Palu, *Tractatus* 1.3, pp. 195, 200. Guillelmus and Pierre are willing to acknowledge the possibility of a council 'deposing' a pope, but only *de facto*, not *de iure*. In the words of Pierre: 'papa [non] potest deponi ab aliquo alio, nec propter crimen quodcumque, nisi heresim; quando quidem deponitur de iure a Deo, de facto vero a concilio' (p. 200).

113 See Tierney, *Foundations*, pp. 47-67; idem, 'Pope and Council'; and Moynihan, *Papal Immunity and Liability*, pp. 75-91. Although they are in some ways distinctive, Augustinus' views on the deposition of the pope (at least on the critical issue that an heretical pope is self-deposed) bear strong resemblances to the views of Huguccio, and perhaps even closer resemblances to the views of the author of the *Summa Duacensis*.

114 To support his interpretation Wilks quotes *Summa*, qu. 6.6 ad 1: 'ergo est dicendum quod maioritas dicta de potestate ut residet in Ecclesia et in papa non accipitur secundum univocam rationem, quia ut est in Ecclesia vel in concilio est *radicaliter* et *habitualiter*, quia deficiente papa et

Although the problems taken up here could be discussed further,¹¹⁵ what has already been said is probably sufficient for our purposes. The passages which are

collegio cardinalium posset sibi de Romano pontifice providere. Sed in papa huiusmodi *potentia est actualiter*, et quia quod est in actu potest agere, quod vero est in habitu et in potentia non agit. Ergo potestas Ecclesiae maioriatae potentiali vel habituali maior est in concilio et in tota congregatione fidelium quam in papa, quia in concilio fidelium talis potestas numquam moritur, in papa vero isto vel illo moritur. Sed maioriatae actuali maior est potestas Ecclesiae in papa quam in concilio, quia concilium per illam potentiam non potest agere, papa vero potest agere quando vult.' Wilks interprets this to mean that the church itself possesses a plenitude of power that can be put to work through the medium of a general council to depose a reigning pontiff: 'supreme power rests "in Ecclesia et in papa." Consequently neither the papacy nor the Universal Church can fail: but since any individual pope can, then for all practical purposes the Ecclesia alone remains as the undying source of the true faith, and can exercise a casual jurisdiction *ratione indeviabilitatis* over any occupant of the papal office' (*The Problem of Sovereignty*, pp. 505-506). However, in the main body of the question Augustinus argues that papal authority is higher than conciliar authority, and that therefore it is impossible to appeal from the pope to a general council. What he suggests here is not designed to undermine that verdict, but rather to show how it can be reconciled with the periodic need to choose a new pontiff; and the explanation which he gives is consistent with the one outlined above. His genuine thought on the deposition of the pope can be found in his answer to another objection, which goes as follows: 'Preterea communitas errare non potest unde nec excommunicatur. Papa vero errare potest. Sed ab omni devio et obliquo potest appellari ad rectum et regulatum. A papa ergo ad concilium potest appellari.' To this he replies as follows: 'Ad tertium est dicendum quod quando papa erraret in tali casu ut supradictum est recursus potest haberi ad concilium, quia propter heresim papa desinit esse papa. Sed ipso existente in sua auctoritate, nullus ab eo potest se subtrahere quacunque via.'

115 On the issue of the deposition of the pope, for example, Wilks would take Augustinus even further. According to Wilks, Augustinus maintains that any member of the faithful can issue an accusation against a pope suspected of heresy, and even proceed to a deposition of the pope on his own (*The Problem of Sovereignty*, pp. 514-15, 520-21). However, neither of these suggestions seems to do Augustinus justice. To support the first one Wilks refers to *Summa*, qu. 6.8 ad 3: 'Sed in casu fidei vel pro vitando maiori periculo seu pro utilitate reipublicae tenetur [homo] se mortis periculo exponere.' In this question Augustinus' objective is to demonstrate that there is no legal recourse from a sentence issued by the pope, not even to God; although he encounters the following objection: 'Preterea unusquisque tenetur se in vita naturali conservare quantum potest. Ergo similiter in vita morali. Sed appellatio ad hoc est inventa ad conservationem iusticie in vita morali. Ergo absque peccato heresis non solum credere verum etiam facere licitum est.' It is in reply to this objection that Augustinus makes the statement quoted by Wilks: 'Ad tertium est dicendum quod universaliter homo tenetur vitam suam conservare tam naturalem quam moralem quantum potest. Sed in casu fidei vel pro vitando maiori periculo seu pro utilitate reipublicae tenetur se mortis periculo exponere.' To support his second suggestion Wilks refers to *Summa*, qu. 7.2 and qu. 18.3. In the first of these passages Augustinus maintains only that the pope can be corrected in a fraternal manner by any orthodox catholic. In the second passage he does say that any orthodox catholic can pass sentence on an heretical pope, but only because an heretical pope has already lost his papal office: 'si papa qui est superior in tota ecclesia laberetur in heresim, quilibet catholicus in tali casu efficeretur superior ipso et contra eum sentenciare posset.' Moreover, since we are dealing with an incidental remark which receives no further clarification, and since on the whole issue of the papal heretic Augustinus does not restrict himself to public utterances of doctrines already deemed heretical, we have no reason for supposing that Augustinus would permit the individual to act instead of or before a general council. On this matter, however, see the comments of Rivière, 'Une première "Somme"', 162-64.

cited throughout this paper are in most cases also cited by Wilks, but perhaps needless to say at this point, his conclusions are quite different. Wilks's entire work is based on the premiss that late medieval political thought was fundamentally concerned with the location of sovereignty, 'sovereignty' here being understood in its modern, Austinian sense. Because Augustinus Triumphus is a papalist, Wilks assumes that Augustinus would like to attribute this kind of sovereignty to the pope. Hence he argues that, according to Augustinus Triumphus, the pope must be a God on earth whose power is without limit, and whose authority is in no way dependent upon the community of the faithful. When he encounters statements that do not accord well with such ideas, he assumes that Augustinus must have been contaminated by the rival doctrine best represented by Marsilius of Padua, according to which sovereignty is to be found in the community. Like the Thomists, Wilks would argue, Augustinus tried to live with both these rival doctrines, but again like the Thomists he was unable to provide any clear-cut solution to the problem of sovereignty. In the final analysis, then, the result of Wilks's assumptions is the portrait of a theorist completely inconsistent on most of the major issues.

If, despite all this, Augustinus Triumphus is consistent throughout, his genuine position corresponding to neither of the extremes Wilks sketches, the reason for Wilks's failure to appreciate this lies in his initial premiss. To interpret medieval history by using a modern concept of sovereignty as the major interpretative device is to commit what Gaines Post has called 'one of the principal errors of modern scholarship on medieval law and institutions, ... that of interpreting in accordance with contemporary notions'.¹¹⁶ Augustinus Triumphus does regard the pope as a sovereign, to be sure, but here 'sovereignty' is to be understood in its usual medieval sense rather than the modern Austinian one.¹¹⁷ For Augustinus Triumphus, as for most medieval political theorists, 'sovereignty' is a comparative concept rather than an absolute one: it signifies an authority in the community that is greater than any other, not an authority that is without limits.

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¹¹⁶ G. Post, *Studies in Medieval Legal Thought* (Princeton, 1964), p. 10.

¹¹⁷ For the medieval idea of sovereignty see, *inter alia*, J. R. Strayer, 'The Laicization of French and English Society in the Thirteenth Century', *Speculum* 15 (1940) 83; B. Tierney, 'The Continuity of Papal Political Theory in the Thirteenth Century: Some Methodological Considerations', *Mediaeval Studies* 27 (1965) 236; and G. Post, 'Vincentius Hispanus, "Pro ratione voluntas"', and Medieval and Early Modern Theories of Sovereignty', *Traditio* 28 (1972) 183.

ENGLISH KINGS AND THE FEAR OF SORCERY*

H. A. Kelly

IN this essay on English kings and the fear of sorcery, I will be dealing chiefly with the monarchs of fifteenth-century England, most of whom are familiar to us from Shakespeare's eight connected history plays, from *Richard II* to *Richard III*. In keeping with the practice of my historical sources, I will use the terms sorcery, magic, and witchcraft to mean the same thing, namely the attempt to foretell or control events either by natural occult powers or by supernatural agency — that is, by recourse to spiritual beings. Even the invocation of God himself could be considered magical, when, for instance, his name appeared in charms; but simple appeals to divine assistance were permitted, even, for example, in the practice of herbal medicine.¹ Sometimes the devil and other evil spirits of Christian theology were specified as active ingredients in the mix of magic, sometimes not. But it can be assumed that all orthodox and learned Christians of the time would explain any instance of what appeared to be effective supernatural magic (any event, therefore, beyond the powers of nature which could not be considered miraculous because of suspect circumstances) as brought about by diabolical or demonic agency. Furthermore, even when the magic was thought to be effected by natural means (for example, the use of poisons or aphrodisiacs), the devil's instigation would easily suggest itself; and even magic that was thought to be totally ineffectual was often attributed to the devil's illusions.²

* This essay is an expanded form of a paper read at a symposium on 'Witchcraft and the Occult in History and Art' held at the University of California at Davis on 16-17 February 1974. Another version was read at the Pacific Coast Conference on British Studies, Stanford University, 10 April 1976.

1 See William Lyndwood, writing between 1422 and 1430, glossing the word *incantationes* in Archbishop Pecham's constitution *Ignorantia sacerdotum*: 'Utputa, in collectionibus herbarum, quae medicinales sunt aliquas observationes attendendo, nisi symbolum vel orationem dominicam.' That is to say, the first commandment forbids the use of incantations such as those found in herbals to make the herbs medicinal, unless it is simply a matter of reciting the creed or the Lord's Prayer. See Lyndwood, *Provinciale* 1.11.1 gl. v. *incantationes* (Oxford, 1679; rpt. Farnborough, 1968), p. 55.

2 At the beginning of the chapter on 'Demonic Witchcraft' in my book, *The Devil, Demonology, and Witchcraft* (New York, 1968; 2nd ed. Garden City, N.Y., 1974), I limited my discussion of

In spite of what any given magician or witch might think, the orthodox view was that God and the angels would never participate in magical activities, and that the only other spirits in existence available for such participation were the fallen angels — that is Satan and the other devils or demons.³ Assistance by the devil did not necessarily involve the idea of a pact with the devil or of worshipping the devil. Devil worship was a patristic concept that was revived on the Continent in the Middle Ages, but it only rarely enters into accounts of English witchcraft. I consider it unfortunate that some historians have decided to reserve the peculiarly English term 'witchcraft', which has no Latin or Continental-vernacular equivalent, for the Continental notion of 'sorcery combined with devil worship'.⁴

England's importance in the history of European witchcraft is well known: it serves as a kind of control in a scientific investigation. Much of the Continent was infected with a virulent disease, but England got off lightly, and historians have long been trying to determine why. Many of the factors that went into the spread of witch persecution on the Continent were present in England during the fifteenth century: there was a large dose of heresy (the Lollards), much social unrest and civil war, ecclesiastical inquisitions against suspected witches, and much secular concern about sorcery. It is, in fact, from the secular government that many of the serious alarms against sorcery during this time are first raised, usually in connection with plots, imagined or real, against the life or state of the reigning king.

Prominent among my sources are the chronicle histories of the age — the annual records of events compiled by monks or friars, or by citizens of London or other cities. For such historiographers, supernatural causation was always a very important factor. Since one of the main purposes of history was to teach lessons for the present from the past, it was thought especially worthwhile to draw attention to the workings of divine providence, whenever possible. The interventions of the devil were not as important, perhaps, but they too were underlined as often as they were perceived.

Anyone who has had experience in analyzing 'rules for the discernment of spirits', in attempting, for instance, to distinguish demonic possession from false

witchcraft-sorcery-magic to diabolically assisted activity, without going into the question of the 'legitimate science' of natural magic.

3 In the New Testament, there is only one devil, Satan; the Gospel demons or unclean spirits do not tempt, but only cause illness by corporeal possession; and neither the devil nor the demons are fallen angels. But in patristic times and later these subtleties were not recognized: there was no longer any real distinction between diabolical and demonic activity. For documentation of the biblical data, see the book cited in the previous note, and also my article, 'The Devil in the Desert', *Catholic Biblical Quarterly* 26 (1964) 190-220, esp. 202-13.

4 This is the terminology favored especially by Jeffrey Burton Russell, *Witchcraft in the Middle Ages* (Ithaca, 1972), who holds that 'European witchcraft is best viewed as a religious cult of the Devil' (p. 17).

possession, will have come to the conclusion that it is very difficult even on the level of accepted faith to separate natural from supernatural influences. In a way, of course, the doctrine of Providence makes things very easy: everything is brought about ultimately by God's causation or permission. But the problem remains of assigning motives to God for particular events: motives of reward, punishment, trial, discipline, and so on.

It is obvious that a given historian's personal likes and dislikes, especially his political affiliations, would play a large role in forming his opinion as to who was on the side of God and who had the support of the devil. For the past generation (since 1944), students of English literature have accepted, virtually without exception, the existence of one such politically motivated providential schema: namely, the Tudor myth, as formulated by the late E. M. W. Tillyard in his *Shakespeare's History Plays*. According to Tillyard, the Tudor historians sought to establish the legitimacy of the Tudor dynasty by regarding almost the whole of the fifteenth century as a time of divine displeasure and punishment brought about by the deposition of Richard II in 1399. But finally, according to the theory, the supernal wrath was satisfied, and there was a man sent from God whose name was Henry who brought redemption to the land: Henry Tudor, crowned King Henry VII in 1485.

Even *a priori*, there is something odd about this picture of Henry VII, whose chief claim to the throne was that of the last of the Lancastrians, heir to Henry IV, Henry V, and Henry VI. Why should he foster a mystique of divine punishment against his Lancastrian forerunners? In point of fact, a close reading of the chronicles demonstrates that he did no such thing. Instead, he upheld the Henrys, and even made serious attempts to procure the canonization of Henry VI. There was, nevertheless, a Tudor 'myth' or party line, but it took an extremely simple and obvious pattern. Henry VII was indeed sent by God, but his purpose was not to rescue England from divine punishment, but to rescue her from the diabolical rule of the Yorkist King Richard III.

Looking back into still earlier chronicles, we find similar patterns: it was the historians writing under Richard III's brother, Edward IV, the first Yorkist king, who saw Henry VI and the house of Lancaster as divinely overthrown, and Edward IV as divinely supported; this we could term the York myth. A Lancaster myth was created at the beginning of the century: God raised up Henry IV to overcome the evils of Richard II. King Richard's supporters, of course, took an opposite view. In the sixteenth century, fragments of all of these myths were preserved and incorporated into works of literature and drama — for instance, into Shakespeare's plays.⁵

⁵ For more details, see my *Divine Providence in the England of Shakespeare's Histories* (Cambridge, Mass., 1970).

The early sources also reveal that it was not only the chroniclers who thought in this way but often the kings themselves, and not simply for the purposes of propaganda. They sincerely believed that God was on their side, and it was easy for them to think that their opponents were minions of the devil, however much these minions might protest that it was they who had divine support.

In the late fourteenth and early fifteenth century especially, England was filled with prophets who claimed to be divinely inspired.⁶ And while it was normally not feasible to proceed against someone for consorting with God, it was simple enough to accuse a man of uttering false prophecies, and charge him with treasonous sedition. One such prophet, the hermit William of Norham, was imprisoned by Richard II for his pains, and he seems to be the same northern hermit who later had unpleasant information for Henry IV — but this time he was rewarded with decapitation.⁷

It is only a short step from the denial of divine inspiration to the charge of magical or diabolical divining, and of using sorcery to oppose or influence the king in some way. As we shall see, it is a step that was often taken.

Another step that is not so short is the identification of sorcery with heresy. As is well known, this identification became commonplace on the Continent, and is most strongly asserted in the *Malleus maleficarum* (1486).⁸ Some scholars have too easily assumed that the same was true of England.⁹ In fact, however, witchcraft in England was almost never formally associated with heresy, as a perusal of the myriad cases of witchcraft cited by G. L. Kittredge will reveal.¹⁰ In the con-

6 See Morton W. Bloomfield, *Piers Plowman as a Fourteenth-Century Apocalypse* (New Brunswick, N.J., 1962), and see the index of Kelly, *Divine Providence* s.v. 'Prophecies'.

7 Continuation of the *Eulogium (historiarum sive temporis)*, ed. F. S. Haydon (RS 9.3; London, 1863), pp. 380, 397; cf. Kelly, *Divine Providence*, p. 12 n. 10. See George Lyman Kittredge, *Witchcraft in Old and New England* (Cambridge, Mass., 1929), chap. 14: 'The Seer' (pp. 226 ff.).

8 Russell, *Witchcraft*, pp. 219-33. I am speaking only of the views of the theoreticians and prosecutors of witchcraft. Russell elsewhere in his book goes on to conclude that heretical witches such as the prosecutors described really existed. For a recent critique of this position, see Norman Cohn, *Europe's Inner Demons* (London, 1975), excerpts of which appear in the December 1974 and January 1975 issues of *Encounter*.

9 Russell, *Witchcraft*, p. 204, in speaking of the 1401 statute on the burning of heretics, makes it clear that he believes it to apply to witches, for he takes it as evidence that magic was considered a civil crime. I shall discuss the significance of the 1401 statute below, at nn. 25 and 38.

10 The only cases I have found in Kittredge in which heresy figures are the following:

- (1) 1441: Eleanor Cobham (pp. 81-83); see my treatment below.
- (2) 1457: Thomas Hull of Hertford confessed to the bishop of Lincoln that he had aided Thomas Curteys in using nigromancy and heresy (p. 38).
- (3) 1467: William Byg, a crystal-gazer, was accused of heresy and sorcery in the court of the archbishop of York (pp. 187-88).
- (4) 1492: Margaret Geffrey was summoned on charges touching on the crime of heresy and sor-

stitution *Ignorantia sacerdotum* of Archbishop Pecham, issued in 1281, sorcery, incantations, and other superstitions are said to be implicitly forbidden under the first commandment's prohibition of idolatry, whereas heresy is forbidden by the second commandment. Pecham's distinction was enshrined in the *Provinciale* of William Lyndwood,¹¹ who, as official of the court of the province of Canterbury (1417-c. 1429), was the ranking ecclesiastical judge and canonist of his time.

Lyndwood himself clearly does not regard sorcery as seriously as he does heresy. In his only references to the subject, apart from his commentary on Pecham's decree, he says simply that clerics who are proven to be sorcerers are to be deposed;¹² and, when speaking of the rule that baptismal fonts are to be kept locked on account of witchcraft, he declares it better to be silent than to speak about such things.¹³ Heresy was another matter. When commenting on the 1409 constitutions of Archbishop Arundel against the Lollards, he insists that only two judges have jurisdiction over cases of heresy: the bishop of the area and a

cery to the court of the bishop of London's commissary, for using a cunning-man to secure a rich husband (pp. 61-62); see below, n. 16 no. 7.

- (5) 1510: a priest, James Richardson, of the diocese of Lincoln was arrested as a person publicly defamed of heresy or sorcery (pp. 207-208).

It should be noted, however, that Kittredge does not hold himself bound to report all charges of heresy, as is evident from his failure to mention the heretical character of the witchcraft charged against Alice Kyteler and her associates in the notorious inquisition instituted by Richard Ledrede, bishop of Ossory, at Kilkenny in 1324. See *A Contemporary Narrative of the Proceedings against Dame Alice Kyteler*, ed. Thomas Wright (Camden Society 1.24; London, 1843). Ledrede was an English Franciscan who, however, had been made bishop in France by Pope John XXII at a time when the trials of the Templars as heretical sorcerers were still fresh; see Cohn (n. 8 above) 202. In fact, Edward II, at the urging of John XXII's predecessor Clement V, had allowed papal inquisitors into England to bring similar charges against the Templars there; but, contrary to what happened under Ledrede in Ireland, there was no conviction and no burning. See Frederick Pollock and Frederic W. Maitland, *The History of English Law before the Time of Edward I*, 2nd. ed., 2 (1898, rpt. Cambridge, 1952), pp. 550-51; John G. Bellamy, *Crime and Public Order in England in the Later Middle Ages* (London, 1973), pp. 139-40.

¹¹ Lyndwood, *Provinciale* 1.11.1 (see n. 1 above), pp. 54-55 (cf. appendix, pp. 28-29). According to G. R. Owst, 'Sortilegium in English Homiletic Literature of the Fourteenth Century' in *Studies Presented to Sir Hilary Jenkinson*, ed. J. Conway Davies (London, 1957), pp. 272-303, especially 274, Pecham's analysis 'set a precedent for all future tracts and sermons on the Decalogue which was zealously followed.' In his commentary on Pecham's constitution, Lyndwood says that the concept of idolatry can include not only infidels but heretics and bad Christians as well (gl. v. *omnis idolatria*); but he goes on to define *sortilegia*, *incantationes*, *superstitiosum*, and the rest with no reference to heresy. For instance gl. v. *cum superstitionibus*: 'Superstitiosum est omne illud quod ab hominibus fit ad colendam creaturam vel partem creaturae sicut Deum, vel ad invocationem daemonum, vel ad exercendas magicas artes ... et generaliter omne illud quod ponit spem in aliud praeterquam in Deum'.

¹² Lyndwood, *Provinciale* 1.4.2 gl. v. *sortilegos* (p. 32).

¹³ *ibid.* 3.25.1 gl. v. *propter sortilegia* (p. 247): 'Quae honestius est tacere quam dicere'.

specially delegated papal inquisitor. It has never, he says, been permitted to anyone inferior to the bishop, or to the bishop's official or vicar general. 'For the matter of heresy is one of the major matters that pertain to the bishops alone.'¹⁴

In contrast, the offense of witchcraft was one of the minor matters that fell within the jurisdiction not only of the bishops' officials, but of the courts of the archdeacons as well. We are told in Chaucer's *Friar's Tale* that the archdeacon 'boldely dide execucioun In punysshynge of fornicacioun, Of wicchecraft, and eek of bawderye', and so on.¹⁵ But the normal form of trial even in these lower courts, except where suit was brought by a third person (usually for the restitution of spouse or property), was the *ex officio* inquisition, which was basically the same procedure as that employed by the Roman Inquisition.¹⁶ In

14 *ibid.* 5.5.2 gl. v. *ordinarii* (p. 296): 'Cognitio namque haeresis duobus tantum iudiciis in iure permittitur, viz. episcopo loci, et inquisitori haereticae pravitatis a sede apostolica deputato Non enim reperies aliquem textum, ut credo, qui hanc cognitionem concedat inferiori episcopo, vel eius officiali sive vicario generali. Est enim causa haeresis una de maioribus causis quae pertinent ad solos episcopos'. Later (5.5.4 gl. v. *idem ordinarius*, p. 304) Lyndwood gives his opinion that the ordinary can allow delegated judges to initiate heresy trials, but that only he is to give sentence.

15 Chaucer, *Canterbury Tales* III (D) 1302 ff., ed. F. N. Robinson, *Works*, 2nd ed. (Boston, 1957), p. 89. It is interesting that magic in both Chaucer and John Gower seems usually, perhaps always, to be natural and not diabolical; even in the *Franklin's Tale*, where natural magic is denounced as an illusion from the viewpoint of the Christian faith, it is not said to be effected by evil spirits. Cf. Kittredge, *Witchcraft*, pp. 56-58.

16 See R. Naz, 'Inquisition', *Dictionnaire de droit canonique* 6.1418-1426, and see the influential *Speculum iudiciale* of William Durantis (late thirteenth century; ed. Basel, 1563), book 3, part 1, pp. 25 ff.: *De inquisitione*. For rather full records of such inquisitions, see the *Registrum Hamonis Hethe diocesis Roffensis, A.D. 1319-1352*, ed. Charles Johnson (Canterbury and York Society 49; Oxford, 1948), pp. 911-1043: Acts of the Consistory Court of Rochester for 1347-1348. Examples of the kinds of witchcraft offenses brought before a bishop's vicar can be seen in the sixteen cases reported from the records of the court of the Commissary of the bishop of London from 1475 to 1539, in William Hale Hale, *A Series of Precedents and Proceedings in Criminal Causes Extending from the Year 1475 to 1640* (London, 1847). (I have not seen the edition by R. W. Dunning, Edinburgh, 1973.) Following each case I give Hale's number and the relevant page in Kittredge:

- (1) 1475/6: Nazareth Jarbrej admitted using a crystal-gazer to find a thief (H 43, K 188).
- (2) 1476/7: John Bere, accused of defamation and belief in sorcery (probably for finding stolen goods), cleared himself (H 65, K 36).
- (3) 1480: 'John Stokys uses incantations of sorcery for fevers' (H 10, K 36).
- (4) 1481/2: Joan Beverley, witch, solicited two other witches to make two men love her (H 27, K 107).
- (5) 1489: Joan Corbett, accused of being a witch, cleared herself (H 70).
- (6) 1490: Joan Benet, witch, was accused of attempting to kill a man by using a wax candle (H 82, K 85).
- (7) 1492: Richard Laukiston and Margaret Geffrey were summoned on charges touching the crime of heresy and sorcery ('de et super certis articulis crimen haeresiae tangentibus et sorseriae'). Laukiston took a fee from Geffrey to give to a cunning-man, who was to find a husband for her worth £ 1000. Upon admission of guilt, Laukiston was ordered to restore the fee to Geffrey, and Geffrey was ordered to do public penance, by walking barefoot and candle

such trials, summonses were issued on the basis of accusations by unnamed persons; the presiding official functioned as both accuser and judge; the accused was bound under oath to answer to charges;¹⁷ and conviction did not necessarily depend on the confession of the accused, but on the judge's negative assessment of the evidence.

In cases of heresy, modifications were permitted: other heretics or suspect persons could serve as accusers or witnesses, and names of accusers and witnesses could be withheld from the accused when fear of recrimination was present; summary procedure could be used, as could torture. Often no advantage of these concessions was taken; but the papal canons allowing them were normally addressed not only to specially delegated inquisitors but to local bishops as well; and, what is more, they were recognized in England as applying to the diocesan ordinaries. Archbishop Arundel in 1409 specifies that bishops are to proceed summarily (*summario et de plano absque strepitu et figura iudicii*),¹⁸ and Lyndwood explains

in hand on three successive Sundays before the procession of the cross (H 123, K 61-62, 107).

- (8) 1493: Elena Dalok was accused of being a slanderer and a quasi enchantress who cursed people and predicted their death (H 137, K 130, 228).
- (9) 1497: John White confessed to using magic art, namely the finding of stolen goods by using a psalter and key (H 207, K 196).
- (10) 1497: Sir Robert, rector of St. Mary at Nax, was accused of defamation by means of his sortilegious arts (another case of thief-finding) (H 216, K 196).
- (11) 1502: Eleanor Dulyne, accused of attempting to poison her husband by divinatory arts, cleared herself (H 264, K 62).
- (12) 1509: Alice Ancetyr consulted a magician to recover stolen goods and slanderously accused Christopher Sandon (H 284, K 188-189).
- (13) 1526: Margaret Williamson was accused of using an amatory drink, and of having suspected books (H 325, K 107).
- (14) 1527: William Browne confessed to using magical art and incantations to cure horses (H 326, K 36).
- (15) 1528: Margaret Hunt and her compurgators asserted that she accompanied the use of herbs in her cures with prayers, like the creed, the Lord's Prayer, and the Ave Maria (H 337, K 36-37). Cf. Lyndwood's remark in n. 1 above.
- (16) 1528: Elizabeth Fotman admitted to healing a horse by making crosses on it with a rod (H 338, K 37).

From the case of Richard Laukiston and Margaret Geffrey in 1492, it is clear that the commissary considered himself competent at least to inquire into matters of heresy, though it is not clear why this case and not the others was thought to touch upon heresy. Another case involving heresy occurred in 1490: David Chirke was suspected of heresy for not attending church (H 84).

17 Cf. Durantis, *Speculum iudiciale*, p. 33: 'Ubi vero nullo prosequente sed ex superioris officio inquiritur, tunc [reus] iurabit propter infamiam contra eum ortam.'

18 See Lyndwood, *Provinciale* 5.5.4 (pp. 302-305) and appendix, p. 68. Cf. E. F. Jacob, *The Register of Henry Chichele, Archbishop of Canterbury, 1414-1443*, 4 vols. (Canterbury and York Society 42, 45-47; Oxford, 1937-1947), I. cxxxv-cxxxvi, who, in discussing the case of the Franciscan friar William Russell, mistakenly intimates that the words calling for summary procedure

at length the methods allowed. For instance, if a witness vacillates he can be put *in quaestionibus*, as long as no blood is shed ('dum tamen sanguinem per hoc non eliciat').¹⁹ If guilt is proven only by one witness of good reputation, the accused may be tortured, in order that the truth might appear ('tunc inquisitus poterit torqueri, ut eruatur veritas'); for, as Lyndwood remarks, sterner action is always called for when a convicted person refuses to confess.²⁰

It might be thought that one reason why heresy was not often associated with witchcraft in England is that Lollardry, which was the regnant heresy there, had no resemblance to the dualist heresies that allegedly first gave witchcraft its heretical qualifications; it was, on the contrary, a proto-Protestant sort of puritanism, and it outdid the orthodox Church in its condemnation of sorcery by denouncing such things as the use of amulets with gospel texts written on them. But it was in fact not only dualist heretics who had been associated with the diabolical witch-cult on the Continent; and dualists like the Cathars were even more opposed to material things than the Lollards, and 'so far from worshipping the devil they were passionately concerned to escape from his clutches'.²¹

An example of the judicial distinction between sorcery and heresy can be seen in the cases brought before Archbishop Henry Chichele and the convocation of the clergy in early November 1419. Richard Walker, a chaplain, was strongly suspected of sorcery, and admitted his magical attempts under oath. He was made to appear at Paul's Cross with his magic books and instruments before a great crowd. After listening to a sermon by the bishop of Llandaff, he abjured his practice and went in penitential procession through Chepe Street, after which his materials were burned; and he was allowed to go free.²² Walker had declared in

distinguish a type of inquisitorial trial not used or allowed in England. It was in fact permitted in heresy proceedings to all bishops by Boniface VIII, *Sext.* 5.2.20 (*Statuta quaedam*), and in cases of benefices, tithes, matrimony, and usury by Clement V, *Clem.* 2.1.2 (*Dispendiosam*). The phrase is defined in *Clem.* 5.11.2 (*Saepe contingit*). In all these decretals the word *simpliciter* is used instead of *summarie*, the term favored in later documents, as, for instance, in Martin V's mandate to Cardinal Branda to proceed against Friar Russell (*Register of Henry Chichele* 3.139), though in the pope's recollection of the order later he uses both terms: 'summarie, simpliciter, et de plano sine strepitu et figura iudicii' (3.148). Russell's trials, by the way, both in England (1425) and in Rome (1426), provide a good illustration of how the option and even the mandate to use summary justice could be ignored and all the full forms of the ecclesiastical inquisition employed.

19 Lyndwood, *Provinciale* 5.5.4 (p. 304) gl. v. *testium receptionem*.

20 *ibid.* (p. 305) gl. v. *non obstante*. Torture was used in the Templar and Kyteler cases (n. 10 above), though in the former torturers had to be imported from the Continent, and in the latter whipping was used, which was a common form of ecclesiastical punishment in England. See also nn. 101 and 120 below.

21 Cohn, *Europe's Inner Demons* (n. 8 above), p. 58. For the Lollard views cited, see Kittredge, *Witchcraft*, p. 52 and Owst, 'Sortilegium' (n. 11 above), pp. 301-302; Owst (p. 292) quotes the Dominican John Bromyard as giving a qualified approval to the wearing of gospel texts.

22 *Register of Henry Chichele* 3.54-56; also in David Wilkins, *Concilia Magnae Britanniae et*

convocation that he had come to the conclusion that his magic operations were false because none of them had taken effect. Kittredge assumes that this form of confession cleared him of heresy.²³ But in fact there had never been any question of his having been suspected of heresy, unlike three other men who were accused of heresy at the same convocation. One was sent to prison for further deliberation, and the other two abjured their errors. They were released, and warned of the punishment for relapse.²⁴

According to a statute passed by Parliament in 1401, the penalty for relapse into heresy was, or could be, at the discretion of the bishop, burning by the secular authorities.²⁵ Before that time, burning was commonly used as a means of capital punishment only for women convicted of high treason, an offense for which men were hanged and quartered, unless the sentence was mitigated to decapitation.²⁶ It has been supposed that only after 1401 could men as well as women be burned, and not only for heresy but also for witchcraft. But, apart from the fact that, as we have just seen, heresy and witchcraft were regarded as separate crimes, burning was specified as a punishment for both heresy and witchcraft in the legal textbooks produced in the latter part of the reign of Edward I (1272-1307), namely *Fleta* and *Britton*.²⁷ In 1279, the body of a woman thought to have been a witch was burned by the judgment of the whole clergy in Northumberland.²⁸ Whether or not they were acting on the rule stipulated later in *Fleta* and *Britton* is not clear. But the fact that some of the lords of Parliament in 1376 insisted that Alice Perrers' Dominican accomplice should be burned for his magical practices suggests that the law was by no means a dead letter. The same may well be true of heresy, though without question the statute of 1401 made burning easier.

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Hiberniae 3 (London, 1737), pp. 393-95. Cf. *Register* 3.67-68 for another example of a non-heresy trial (forgery in this case) sandwiched between heresy proceedings.

23 Kittredge, *Witchcraft*, p. 80.

24 *Register of Henry Chichele* 3.55-57; Wilkins, *Concilia* 3.393-95.

25 The statute on the new sect of heretics, 2 Henry IV, c. 15 (1401), *Statutes of the Realm* 2 (1816, rpt. London, 1963), pp. 125-28, gave any bishop the power to hand over any person who refused to abjure his heresy, or who was convicted of heresy for a second time, to the secular authorities to be burned, without need for a secular trial or order from the king. In the statute of 2 Henry V, 1 c. 7 (1414), the heretical doctrines in question are termed 'Lollardries' (*Statutes* 2.181-84). See James FitzJames Stephen, *A History of the Criminal Law in England*, 3 vols. (London, 1883), 2.444-50, and Jacob, *Register of Henry Chichele* l.cxxx.

26 See Stephen, *ibid.* 1.475-76. Women were sometimes also burned for felony, e.g. arson: Pollock and Maitland, *History of English Law* 2.552.

27 *Fleta* 1.35, ed. H. G. Richardson and G. O. Sayles, vol. 2 (Selden Society 72; London, 1955), p. 90; *Britton* 1.10, trans. Francis Morgan Nichols, ed. Simeon E. Baldwin (Washington, D.C., 1901), p. 35, with a later gloss (n. 2) defining the relation between ecclesiastical and royal courts. See Pollock and Maitland, *ibid.* 2.552.

28 Pollock and Maitland, *ibid.*; Kittredge, *Witchcraft*, pp. 47-48.

The Alice Perrers case can serve as a useful starting point for our survey of royal witchcraft scares. In 1376, the last year of the reign of Edward III, Edward's mistress Alice Perrers was formally charged by the Commons with having gained the affections, procured the madness, and enervated the strength of the king through magical arts. The magic was said to be the work of an iniquitous Dominican friar who, according to the Benedictine chronicler Thomas Walsingham, achieved his effects through the use of wax images, powerful herbs, and incantations like those of the famous magician Nectanebus, king of Egypt; he was also accused of giving Alice magical rings of remembrance and forgetfulness, like those which Moses had made, for the king to wear. When the friar was captured by stratagem, a maid asked him why he did not foresee his fate, since he was able to predict the future for others. He answered that he did indeed foresee it, but did not know when it would happen. Walsingham reports further that the archbishop of Canterbury, who was the protector of the Order of Preachers, was able only with great difficulty to deliver the friar from the duke of Lancaster (John of Gaunt) and the other magnates, some of whom insisted that he should be executed by burning. As it was, the Dominicans took charge of him and kept him in close custody.²⁹

After Henry IV was crowned king in the autumn of 1399, he handed over to Parliament a scroll 'containing magical arts', which had been found in a chest belonging to one of Richard II's priests, John Magdalene. Being an ecclesiastic, Magdalene was not immediately arrested but was summoned on the next day before a convocation of the clergy at St. Paul's. He declared that he knew nothing of the contents of the scroll but was only keeping it for the king, and so he was released. But the Commons in their turn demanded that Richard's evil counsellors, both ecclesiastic and lay, be arrested, especially those who had demented the said king 'by sortilege or false and fallible calculations'. Henry replied that some of them were already in custody, and asked for others to be named specifically so that appropriate measures could be taken against them.³⁰

It seems that Henry IV himself was not above suspicion in the matter of witchcraft. We learn from the report of Burgundian chroniclers that when the duke of Orléans protested against Henry's right to the throne, he sought to prove his point by challenging the new king to single combat; but he stipulated that no charms were to be used in the contest, nor any invocations forbidden by the

29 Thomas Walsingham, *Chronicon Angliae*, ed. Edward Maunde Thompson (RS 64; London, 1874), pp. 97-99; cf. Kelly, *Divine Providence*, p. 23 n. 65; Kittredge, *Witchcraft*, p. 105; and George Holmes, *The Good Parliament* (Oxford, 1975), pp. 135-37.

30 Thomas Walsingham, *Annales Ricardi secundi et Henrici quarti*, ed. Henry T. Riley in *Chronica monasterii sancti Albani* (RS 28.3; London, 1866), pp. 301, 309.

Church. Wariness of this sort in trials by combat was fairly commonplace.³¹ But Henry seems to have sensed a larger charge of witchcraft, especially upon receipt of the duke's second letter, in which he denied that divine virtue had placed Henry on the throne. In his reply, Henry insisted upon his providential backing, and asserted that diabolical magic could never have achieved such results: 'Our Lord God, to whom we ever give praise, hath shown us his divine grace more than we are worthy to receive or have, if it were not that of his mercy and goodness it hath pleased him to give to us that which surely all the sorcerers and devils could not have known how or been able to give, nor all those who meddle with their arts'.³²

Walsingham's treatment of Edward III and Richard II and their brushes with sorcery has nothing to say about diabolical magic. However, when he comes to detail Henry IV's troublesome campaigns against Owen Glendower in Wales, he reports that many believed the bad weather to have been caused by the evil art of the Franciscan friars favorable to the Welsh. 'But far be it', he piously says, 'from men who profess such a holy rule to contract such great familiarity with demons'.³³ His words might be taken, at least by later readers, to imply the notion of acquiring 'familiar spirits' by means of a diabolical compact.

A very interesting comment on the same subject comes from a Cistercian chronicler, who, like Walsingham, was quite favorably disposed to Henry IV's takeover of the throne from Richard. He says it is true that such storms could be caused by the sortilege that Owen's magicians are thought to perform, and that it is not impossible to put the air into motion through the power of unclean spirits; but nevertheless the true answer in the opinion of the discreet is that the English failed in their venture because they have no right to Wales.³⁴ Which is as much as to say that it was the just disposition of God's providence that was the ultimate cause of the storms.

The chronicler John Hardyng says simply that everyone thought witches were to blame for the weather.³⁵ Hardyng also reports that among the many means

31 See Kittredge, *Witchcraft*, pp. 53-54.

32 John de Waurin, *A Collection of the Chronicles and Ancient Histories of Great Britain, now Called England*, trans. William Hardy and Edward L. C. P. Hardy (RS 40.2; London, 1887), pp. 65, 75, 81; cf. Enguerrand de Monstrelet, *Chronicles*, trans. Thomas Johnes (London, 1867), pp. 16-23.

33 Walsingham, *Annales*, pp. 343-44: 'Sed absit hoc ab hominibus tam sanctam professis regulam, ut cum daemonibus tantam contraherent familiaritatem'.

34 Author 'B' of the *Chronicle of Dieulacres Abbey, 1381-1403*, ed. M. V. Clarke and V. H. Galbraith in *Bulletin of the John Rylands Library* 14 (1930) 176.

35 John Hardyng, *Chronicle*, ed. Henry Ellis (London, 1812), p. 360. A later chronicler, John Rous, discusses Glendower himself as a magician: he is said to have had a stone which could render him invisible; it had belonged to the earl of Arundel, who had had a raven, or a spirit in the

that were used in plots against King Henry's life, there were enchantments made 'to waste him out and utterly destroy' him.³⁶

In 1406, Henry IV through his Council ordered a full-scale ecclesiastical inquisition against sorcerers of various kinds in the diocese of Lincoln who were causing injury to the people.³⁷ There is, however, nothing in the order to Bishop Repingdon to indicate that the king feared any attempt against his own person, or indeed that the magic was connected with the devil or with heresy, though it was said to be subversive of the faith. It is instructive to compare Henry's 1406 writ against witchcraft in Lincoln with the statute against heresy issued five years earlier.³⁸ Those convicted of witchcraft are to be kept in prison until they renounce their arts, whereas convicted heretics who refuse to abjure are to be burned.

It is also worth noting that there is a great deal of evidence for campaigns against heresy in the diocese of Lincoln during the tenure of Bishop Repingdon,³⁹ but no evidence of any concern on his part for the discovery of witches. Only one case of sorcery is recorded in his register: in 1417, John Smith of Alconbury was accused of practising necromancy, sorcery, and illicit conjurations, and of invoking evil spirits.⁴⁰

form of a raven, that one day had belched it up. See Rous's *Historia regum Angliae*, ed. Thomas Hearne (Oxford, 1716), pp. 206-207; Kittredge, *Witchcraft*, p. 176; Kelly, *Divine Providence*, p. 69 n. 19. Shakespeare describes Glendower as professing, much to Henry Hotspur's disbelief and disgust, to be able to summon spirits from 'the vasty deep' (*I Henry IV* 3.3.53). Hotspur replies, 'Why, so can I, or so can any man; But will they come when you do call for them?'

36 Hardyng, *Chronicle*, p. 370; Kelly, *Divine Providence*, pp. 44, 311.

37 Thomas Rymer, *Foedera*, 2nd ed. (London, 1704-1732), 8.427-28 (2 January 1406): the suspected culprits are designated as *sortilegii, magici, incantatores, nigromantici, divinitores, arioli*, and *phitones*. They disturb the people and scandalize the Church and the faith by their manifest subversion. The king proceeds as defender of the faith against those who thus impugn it, and orders their imprisonment until they reform ('quousque a suis maleficiis huiusmodi respiciant') or until he orders otherwise for their deliverance. For the moralistic habit of piling up synonyms for malefactors, see Dino Bigongiari, 'Were There Theaters in the Twelfth and Thirteenth Centuries?', *Romanic Review* 37 (1946) 201-24, especially 202.

38 See n. 25 above.

39 Margaret Archer, ed., *The Register of Bishop Philip Repingdon, 1405-1419*, vol. 1: *Memoranda 1405-1411* (Publications of the Lincoln Record Society 57; Hereford, 1963), pp. xxxiv-xxxvii. Repingdon himself was tried and convicted of heresy in 1382.

40 *ibid.*, p. xxxiii. Archer reports that a full account of Smith's activities and of his defence is given on fol. 177r-v, which of course falls beyond the portion that she has edited. I should perhaps mention here that very few episcopal registers of the fourteenth and fifteenth centuries have been published; see the list of those falling in the first half of the fifteenth century given by E. F. Jacob, *Archbishop Henry Chichele* (London, 1967), pp. 117-18. Furthermore, such registers as survive only rarely contain the records of the consistory courts, and of course never include those of the archdeacons' courts. These latter records, when not missing, are almost all unpublished; see G. R.

The reign of Henry V (1413-1422) produced a striking case of royal witchcraft jitters, which was joined to the motif of the wicked stepmother. In 1419, Henry IV's widow, Joan of Navarre, was taken into custody, so Walsingham reported, after having been 'defamed' for practising witchcraft ('de quodam maleficio') aimed at harming the king. According to the London chronicles, the dowager queen instigated a certain Franciscan, John Randolph, master of divinity, to kill King Henry by sorcery and necromancy.⁴¹ But the Rolls of Parliament record only that the friar, identified as the queen's confessor but not said to be implicated himself, brought a charge against her of attempting to murder the king, without specifying sorcery as the means.⁴² Whatever the truth of the matter, the queen was kept in confinement for almost three years (though allowed to live on a lavish scale), and her property remained confiscated. She was apparently at liberty by 13 July 1422, when her royal stepson, on his deathbed in

Elton, *England 1200-1640* (Ithaca-London, 1969), pp. 103-106, and especially Richard H. Helmholz, *Marriage Litigation in Medieval England*, Cambridge Studies in English Legal History (Cambridge, 1974).

41 Walsingham, *The St. Albans Chronicle, 1406-1420*, ed. V. H. Galbraith (Oxford, 1937), p. 123; *A Chronicle of London, from 1089 to 1827* [ed. Nicholas Harris Nicolas and Edward Tyrrell] (London, 1827), p. 107; *Chronicles of London*, ed. C. L. Kingsford (Oxford, 1905), p. 73.

42 According to this report, made on 16 October 1419, the queen's schemes 'are openly published throughout the whole realm of England'. See *Rotuli parliamentorum*, 6 vols. (London, 1767-1777), 4.118. A month earlier (25 September), Archbishop Chichele of Canterbury informed the bishop of London that King Henry wished to have prayers and processions for himself and his army in France, so that God may protect him from all of the wicked plots of his enemies and from the 'superstitious operations of necromancers, especially such as (according to report) have lately been devised by some persons for the destruction of his person'. The king ascribed the detection of these evil operations and the preservation of his person from them solely to God's goodness and the devout prayers that his people had offered for him. See the *Register of Henry Chichele* 4.206-207 and Wilkins, *Concilia* 3.392-93. The archbishop may be referring to the matter of Queen Joan and Friar Randolph; two days later (i.e. 27 September) the King's Council ordered the queen deprived of her dowry and other revenues and possessions, and four days after that she was arrested. See A. R. Myers, 'The Captivity of a Royal Witch: The Household Accounts of Queen Joan of Navarre, 1419-21', *Bulletin of the John Rylands Library* 24 (1940) 263-84, especially 264. Kittredge, *Witchcraft*, p. 80, takes the mandate simply as evidence that Henry's prelates as well as Henry himself were worried about witchcraft. However, earlier letters of the archbishop requiring prayers for peace, unity, good weather, and victory against England's enemies show no such concern; see *Register of Henry Chichele* 3.323-25 and 4.123-24 (9 April 1415); 3.435-37 and 4.127 (7 June 1415); 4.158-59 (2 August 1416); 4.167-68 (8 May 1417). In the letter of 9 April 1415, Chichele does give a certain role to the devil: the dissension, scandal, and ancient schism that afflict them have been stirred up by the enemy of the human race, but their own demerits have also deserved it all; and he sees the famine, pestilence, and other disasters that have been visited upon the usually pleasant realm of England to be the result of divine punishment (not, therefore, caused by witches). Finally, it should be noted that shortly after the queen was denounced in Parliament, Archbishop Chichele took up a witchcraft case in convocation in which no connection was made with plots against the king's life: namely the trial of Richard Walker, held on 8-9 November (discussed above at n. 22).

France, ordered her dowry restored to her, in order to clear his conscience in the matter.⁴³

It has been assumed that the friar in this case was the same Friar Randolph who, after having been committed to prison for treason, was delivered therefrom by Henry V's brother, Humphrey, duke of Gloucester, in 1425.⁴⁴ There is evidence that Humphrey was interested in 'natural magic', in the form of astrology and alchemy.⁴⁵ But sixteen years later, in 1441, he would be connected with magic in its less acceptable forms, in the most sensational witchcraft trial of the century, that of Eleanor Cobham, Humphrey's second wife.

One of the charges against Eleanor upon which she was convicted was that she 'had enforced the foresaid duke of Gloucester to love her and wed her'.⁴⁶ Gloucester first became involved with Eleanor, it seems, in 1425, the same year in which he secured Randolph's release from the Tower. At first she was only his mistress, since he was still married to Jacqueline, countess of Hainault. But when Pope Martin V in 1428 declared the marriage null and void, Humphrey hastened to marry Eleanor.⁴⁷

43 Kittredge, *Witchcraft*, p. 80; Myers, 'Captivity', 265-71.

44 K. H. Vickers, *Humphrey Duke of Gloucester* (London, 1907), pp. 276, 278. Randolph must have been sent back to the Tower in fairly short order (perhaps at the insistence of Cardinal Beaufort, Gloucester's uncle, who violently objected to the release), for it is reported that he was murdered there in 1429 by the mad 'parson of the Tower'. See W. Paley Baildon, 'The Inventory of the Goods of Brother John Randolph', *Archaeologia* 61 (1908) 166-74; Kittredge, *Witchcraft*, pp. 79-80.

45 Vickers, *Humphrey*, pp. 276, 322-23.

46 *An English Chronicle of the Reigns of Richard II, Henry IV, Henry V, and Henry VI Written before the Year 1471*, ed. John Silvester Davies (Camden Society 1.64; London, 1856), pp. 58-59; *The Brut, or, The Chronicles of England*, ed. Friedrich W. D. Brie, 2 (EETS 136; London, 1908), MS. F, pp. 480-81. These two records, both of them based on London chronicles, give the fullest account of the case, and I will be relying chiefly on them (pp. 57-60 of *English Chronicle* and pp. 477-82 of *Brut*). For a complete list of sources, see Kittredge, *Witchcraft*, pp. 416-17 n. 40.

47 Vickers, *Humphrey*, pp. 165, 204-205. A charge of witchcraft leveled at the time of Humphrey's alienation from the Countess Jacqueline is to be found in the deliberately anonymous 'A Complaint for My Lady of Gloucester and Holland'. According to the poet, a mermaid resembling an enchantress and surrounded by witches strove to make the duke's heart 'double' in love, and to estrange him from Jacqueline. One stanza goes:

This cirenes nuwe crafft oute sought
By thayre fals incantacyouns
And fals medecynes they wrought
To tempre theyre confeccyouns
In metys and dyvers pocyouns,
The prynces hert agaynst al lawe
From his promesse his hande to drawe. (ll. 64-70)

The poem has in the past been confidently ascribed to John Lydgate, a major recipient of Humphrey's patronage, and the piece appears in the Early English Text Society's edition of Lydgate's

Eleanor's accomplice in this matter was proven to be one Margery Jourdemayne, who came from the manor of Eye near Westminster — 'the Witch of Eye, whose sorcery and witchcraft the said Dame Eleanor had long time used'; Eleanor allegedly won Gloucester 'by such medicines and drinks as the said witch made'. Because of this, 'and also for cause of relapse, the same witch was burned in Smithfield', on Friday, 27 October 1441.⁴⁸ As was noted above, burning was the penalty for female traitors; some of Eleanor's other associates in magic were accused of high treason, and one of them, Roger Bolingbroke, underwent execution by hanging and quartering. But Margery is not specifically associated in the sources with treason or the alleged plots against Henry VI. Burning was also the possible penalty for relapsed or recalcitrant heretics, and heresy was one of the charges reportedly leveled against Eleanor. One well informed source says that Margery was 'burned for her false belief and witchcraft that she had used of long time'.⁴⁹ But, as we know from the canonist Lyndwood (who in 1441 was Keeper of the Privy Seal), the false beliefs or superstitions of witchcraft were not automatically labeled as heresy in England; and burning was a known penalty for witches. Perhaps, as with heresy, a second conviction for witchcraft would bring it into force. Margery had been arrested for sorcery before, in 1430, along with two clerical associates, John Virley and Friar John Asshewell, and imprisoned in Windsor Castle. They were released in 1432, Margery on her husband's bond.⁵⁰

Also arrested in London in 1430, according to the report of one chronicler, were seven female witches (*maleficae*) from various parts of the realm, for plotting the death of young Henry VI. They were imprisoned in the Fleet,⁵¹ and no more is heard of them. There is nothing to suggest that Margery and her companions were connected with such a plot, but it was a time of national apprehension on the point of witchcraft, if only because of the reverses that the English were suffering in France at the hands of the Maid of Orléans. She was denounced by another brother of Henry V, John, duke of Bedford, as 'a disciple and limb of the fiend', who 'used false enchantments and sorcery'.⁵² She was captured and delivered to the English in 1430, and burned in the next year. She was notorious as a 'false witch',⁵³ and sent to her punishment 'tanquam male-

Minor Poems 2 (London, 1934), pp. 608-13; but Derek Pearsall, *John Lydgate* (London, 1970), p. 166, strongly opposes the attribution.

⁴⁸ *English Chronicle*, pp. 58-59.

⁴⁹ *Brut*, p. 480.

⁵⁰ Kittredge, *Witchcraft*, p. 83.

⁵¹ *Chronicon rerum gestarum in monasterio sancti Albani (A.D. 1422-1431)*, ed. H. T. Riley (RS 28/3.1; London, 1870), pp. 56-57.

⁵² Rymer, *Foedera* 10.408, assigns Bedford's statement to 1428 (for 1429?). *Rot. parl.* 5.435-38 puts it in 1434.

⁵³ *Chronicles of London*, pp. 96, 133.

fica'.⁵⁴ Joan would therefore serve as a precedent for taking the same action against the Witch of Eye.

According to one continuator of the *Brut*, the charges against Eleanor Cobham came in the aftermath of an outbreak of bad weather which endangered King Henry VI on his visit to London on 15 July 1441: 'And so it was spoken amongst the people that there were some wicked fiends and spirits areared out of hell by conjuration for to noy the people in the realm and to put them to trouble, dissension, and unrest. And then it was known that certain clerks and women that are called witches had made their operation and their craft to destroy men and women, or whom they list, unto death by their false craft and working. Whereof Dame Eleanor Cobham, which was the Duchess of Gloucester, was named principally of these acts and false deeds for to destroy the king, whom God save and keep!'⁵⁵

The first to be 'taken as conspirators of the king's death' were two clerics, Roger Bolingbroke and Thomas Southwell, for allegedly attempting 'to consume the king's person by way of nigromancy'. Specifically, Southwell was to say Mass in a forbidden place (the lodge of Harnesey Park near London) upon certain instruments with which Bolingbroke used 'his said craft of nigromancy against the faith and good belief'.⁵⁶ This alleged plot was in fact uncovered before King Henry's London visit, to judge from a record of Southwell's confinement to the Tower on 10 July.⁵⁷ Presumably the two clerics were first subjected to an ecclesiastical inquisition, for Bolingbroke was made to undergo the same kind of penance as that assigned to Richard Walker in 1419.⁵⁸ On Sunday, 23 July, he was displayed on a high stage at St. Paul's Cross in the midst of all of his magical properties, which included 'images of silver, of wax, and of other metals, and swords, with many other diverse instruments of this false craft of nigromancy and the devil's power'.⁵⁹ After the sermon,⁶⁰ 'he abjured all manner articles longing in any wise to the said craft of nigromancy or missowning [discordant] to the Christian faith.'⁶¹ It was done in the presence of Henry Chichele, archbishop of Canterbury; Cardinal Henry Beaufort, bishop of Winchester (uncle of

⁵⁴ *Chronicon Angliae de regnis trium regum lancastrensiū*, ed. J. A. Giles (London, 1848), reign of Henry VI, p. 11.

⁵⁵ *Brut*, pp. 477-78.

⁵⁶ *English Chronicle*, p. 57.

⁵⁷ *Calendar of the Close Rolls: Henry VI* 3 (London, 1937), p. 422.

⁵⁸ See above at n. 22. No records of trials before Archbishop Chichele appear in his register after 1428.

⁵⁹ *Brut*, p. 478.

⁶⁰ According to Giles's chronicle (n. 54 above), the sermon was preached by John Low, bishop of Rochester (p. 31), though in fact at this time Low was still bishop of St. Asaph.

⁶¹ *English Chronicle*, p. 57.

Gloucester and his deadly enemy); Robert Gilbert, bishop of London; William Ayscough, bishop of Salisbury; 'and many other great clerks', and lords temporal: 'the Earl of Huntingdon, the Earl of Northumberland, and the Earl of Stafford, and more other lords of the King's Council, and the mayor and aldermen with the commons of the City of London, and many more people of divers parts, and strangers of the realm, and aliens of other strange lands beyond the sea, being in the City of London at that time.'⁶²

It was only after this public ceremony, it seems, that Bolingbroke was examined by the King's Council, before whom he confessed that he had worked his nigromancy at the instigation of Dame Eleanor Cobham, who had desired 'to know what should fall of her, and to what estate she should come.' Such a desire could easily be taken, and obviously was so taken, to mean that she wanted to know when Henry VI would die, and whether her husband would succeed him as king. She was clearly also suspected of attempting to shorten the king's life. Eleanor was accordingly summoned to appear before Archbishop Chichele and other prelates (among them were Cardinal Beaufort, Cardinal Kemp of York, and Bishop Ayscough), who no doubt functioned as the archbishop's assessors, or judicial assistants. The duchess was to answer the charges contained in certain articles 'of nigromancy, of witchcraft or sorcery, of heresy, and of treason'.⁶³ It was clearly an *ex officio* inquisition, with the charges being leveled by the archbishop himself.⁶⁴ The chroniclers are no doubt misleading in indicating that she

⁶² *Brut*, p. 478.

⁶³ *English Chronicle*, p. 58. *Brut*, p. 479 adds to the list of attending prelates the bishop of London and the bishop of Bath (John Stafford). Eleanor was examined on 'twenty-eight divers points both of felony and treason'.

⁶⁴ Even when accused persons are tried in provincial councils, that is the convocations of the Province of Canterbury, it is Archbishop Chichele himself, as metropolitan of the province, who is the sole judge. In contrast, when grants of money are given, the archbishop and the other bishops and clergy make the concession jointly (see, for example, *Register* 3.87, 113). Sometimes the language of the register suggests that the whole council also acts in sentencing and punishing offenders; for instance, the punishment of the sorcerer Richard Walker, discussed above at n. 22, was ordained 'auctoritate totius concilii' (3.55; cf. 56, 68, 204). But whenever the register provides the word-for-word formulas by which the archbishop convenes trials or articulates objections or gives sentence, it is clear that the other participants in the convocation have a purely advisory role. For instance, though the archbishop and his brethren seem to be placed on equal terms in ordering the punishment of the counterfeiter John Wathe ('per avisamentum domini et confratrum suorum punitus', 3.92), Chichele describes himself in the formula of sentence as 'iudex unicus' (3.100). The other bishops present at such trials, in contrast to the lower clergy, are always described in the verbatim formulas as *assidentes* to the archbishop (see 3.124, 126, 133, 205); and the same is true of the single non-convocation trial recorded in the register, convened *ex officio mero* (3.171). On the point of heresy trials before convocation, I question E. F. Jacob's interpretation of Chichele's 1416 constitution (*Register of Henry Chichele* 3.18-19). According to Jacob, the archbishop gives the diocesans the choice, when Lollardy is proven, of condemning the offenders to prison or of bringing the accused before the provincial council (l. cxxxii). In fact, what the archbishop says is that if the bishops do not hand convicted heretics over to the secular court, they are to imprison

was formally charged with treason, which was not an ecclesiastical or 'clergyable' offense, but nevertheless it is likely that her allegedly treasonable motives would have been detailed in the articles.

Before she could be apprehended, Eleanor had fled to sanctuary at Westminster,⁶⁵ but she answered the summons and appeared at St. Stephen's chapel in the king's palace at Westminster, on Tuesday, 25 July. She pleaded 'not guilty' to the twenty-eight charges objected against her, 'and so they let her go safe again to the sanctuary until the morrow, that was St. Anne's Day.' On that day, she came again, as cited, and Bolingbroke was brought forth as a witness. He 'vouched all these points upon her that were showed the day abovesaid to her, whereof she knowledged some points at that time, the number of five'.⁶⁶

The trial was adjourned until the autumn, and the bishops in due course ordered Eleanor kept in Leeds Castle in Kent until the process reconvened. She, however, was unwilling to leave sanctuary and pretended to be ill. She then attempted to leave secretly on the river, but was apprehended and taken to the castle.⁶⁷

them for life or at least until the next provincial council. At the provincial council, *anyone interested* in the further execution of the various heresy trials conducted by the bishops can avail himself of the records deposited with the official of Canterbury by the bishops. The constitution therefore does not lay the sole or primary charge of further execution upon the bishops. Nor is it only for such appealed or prolonged cases that reports are to be submitted to convocation. Jacob arrived at this latter conclusion through an unfortunate *lapsus oculi* (or, more technically, proleptic ellipsis arising from homoeoarchon), as is demonstrated from his translation on l. cxxxii n. 1, which omits several lines of the text on 3.19. The relevant Latin passage, with Jacob's omission in brackets, reads as follows: 'Ac de [omnibus et singulis supradictis, quo videlicet inquisierunt, reperierunt, ac in processibus se habuerunt, personas huiusmodi convictas custodiri fecerunt, diligentibusque aut negligentibus archidiaconorum sive commissariorum praedictorum, aliisque] omnibus et singulis circumstantiis praemissis quomodolibet concernentibus, ac praesertim de abiurationibus, si quos interim haerese abjurare contingat, in proxima praelatorum et cleri convocatione sub forma publica distincte et aperte nos et successores nostros certificare curent; et eosdem processus officiali curiae nostrae Cant. effectualiter liberent penes eundem seu in registro curiae nostrae Cant. remansuros, sic videlicet quod quilibet cuius interest pro executione ulteriori eorundem processuum ad eundem officialem recursum habere poterit cum effectu.' That is to say, the bishops are to make a formal report concerning *all* of the above-stated measures ordered against heretics, including the inquiries to be undertaken at least semi-annually by the bishops and archdeacons or their commissaries; and the trial records to be filed with the official of Canterbury are not restricted to those cases where the convicted heretics have been imprisoned only temporarily.

⁶⁵ *English Chronicle*, p. 57. The dates given in this report are unreliable. Bolingbroke's disgrace is said to have occurred on Sunday, '25 July' (meaning 23 July), Eleanor's flight on the night of the next Tuesday, and her citation as for Monday, '22 July' (meaning 24 July). According to William Worcester, *Annales rerum anglicarum*, Eleanor fled to sanctuary on the eve of St. Margaret, that is, on the previous Wednesday, 19 July. See the editions by Thomas Hearne in *Liber niger scaccarii* 2 (Oxford, 1774), p. 460 and by Joseph Stevenson in *Letters and Papers Illustrative of the Wars of the English in France* (RS 22/2.2; London, 1864), p. 762.

⁶⁶ *Brut*, pp. 478-79.

⁶⁷ *English Chronicle*, p. 58. *Brut*, p. 497 says she was taken into custody on 11 August.

Meanwhile, on the same day as Eleanor's second appearance in court, namely, 26 July, the young king (he was still only nineteen years old) took action himself, or at least action was taken in his name: he ordered a comprehensive investigation to be made into this 'false deed and cursed imagination to the king and to the realm',⁶⁸ and an inquiry into 'all manner treasons, sorcery, and all other things that might in any wise touch or concern harmfully the king's person'.⁶⁹ Four inquests were ordained in the City of London, and other inquests were held throughout Middlesex. Eleanor was indicted for felony and treason in both jurisdictions.⁷⁰ The indictment handed down in the Guildhall of London named Bolingbroke and Southwell as principals and Eleanor as accessory, according to one chronicle, which adds immediately: 'And this same time was taken a woman called the Witch of Eye', on the charges I discussed earlier.⁷¹

The indictment of the London jurors is still extant in the Public Record Office, and it has recently been summarized and partially transcribed. Eleanor was accused of plotting to make herself queen, and because Henry VI's prosperity stood in the way she sought the assistance of Roger Bolingbroke, a clerk of her household, a great astronomer famous for his knowledge of the black arts. Bolingbroke was said to have contacted demons and other malign spirits in earth and air on several occasions between 29 June 1440 and 23 March 1441; and during this time, through the assent and command of Eleanor and of Thomas Southwell, to have assiduously labored over the king's horoscope to see when he would die — even though according to the determination of Holy Church and the teaching of divers doctors it was forbidden to any liege of the king to make such calculations about kings and princes without their consent. It was charged further that on 27 October 1440 Bolingbroke, with Southwell's assent, feloniously and traitorously revealed to Sir John Solers and many others that according to his calculations he knew well that the king would soon die; his alleged motives for this revelation were to take away from the king the cordial love (of

68 *Brut*, p. 479: the king entrusted the investigation to the mayor, aldermen, and commons of London; the earls of Huntingdon, Stafford, and Northumberland; Sir Ralph Cromwell, treasurer of England; Lord Fanhope (Sir John Cornwall); Sir Walter Hungerford and other knights and squires.

69 *English Chronicle*, p. 58: the commission was directed to the earls of Huntingdon, Stafford, and Suffolk, 'and to certain judges of both benches'.

70 *Brut*, p. 479. After mentioning that Eleanor was delivered to custody on 11 August, the *Brut* speaks of 'other of her counsel and affinity ... both men, women, witches, and other', who are to be kept in the Tower at the king's command. The order to keep her in Leeds Castle must have been delayed until she could be indicted in the secular courts (see below). It was only on 9 August that King Henry ordered her held in custody at Leeds, because of certain crimes, defects, and causes that had been laid against her by the archbishop of Canterbury on 25 July (Rymer, *Foedera* 10.851).

71 *English Chronicle*, p. 58.

the people), and to cause the king by his very knowledge of the revelation to become so overwrought by sorrow that he would more quickly die.⁷²

On 19 October, Eleanor was brought back to Westminster, and her ecclesiastical trial resumed on the next day, when she appeared to be 'examined of her sorcery, and witchcraft, and treason'.⁷³ A more circumstantial account of this day in court says that certain articles were objected against her 'of sorcery and nigromancy', with no mention of treason — or of heresy.⁷⁴ Perhaps the charges against her had been reduced; or it may be that the chronicler is being more accurate here than he was before, and that there never was a formal charge of heresy against her (I have already noted the unlikelihood that she would have been directly accused of treason in such a court). The articles were read by 'Master Adam Moleyns, then clerk of the King's Council' (he later became bishop of Chichester), who apparently served as the 'promoter' or judicial aide.⁷⁵ Because of illness, Archbishop Chichele was not able to preside over the court himself, but committed his power to Bishops Gilbert of London, William Alnwick of Lincoln, and Thomas Brown of Norwich.⁷⁶

72 Public Record Office, King's Bench 9 (Ancient Indictments)/ 72/14, as given in J. G. Bellamy, *The Law of Treason in England in the Later Middle Ages*, Cambridge Studies in English Legal History (Cambridge, 1970), pp. 126-27, 236-37 (and cf. pp. 153-54). This is the first clear case that Bellamy can cite of witchcraft or necromancy being regarded specifically as treasonous. As a contrast, he refers to the case of John de Nottingham in 1324; he had agreed to kill the king and others by his arts and had made seven wax images for the purpose, but was appealed merely for felony (p. 126 n. 1, citing *Select Cases in the Court of the King's Bench*, ed. G. O. Sayles (Selden Society 75; London, 1955), pp. 154-57). But it is noteworthy that when Parliament finally passed a statute against calculating the sovereign's life, the offense was made a felony, not treason: 23 Elizabeth I c. 2 (1580-1581), *Statutes of the Realm* (1810-1828, rpt. London, 1963), 4.1.659-60. On wax images, I should point out that it is only according to a later historian, Robert Fabyan, in his *New Chronicles of England and France*, ed. Henry Ellis (London, 1811), p. 614, that Eleanor and her associates were charged with having used a wax image of Henry VI in order to kill him. Fabyan died in 1513, and his work was first published in 1516.

73 *Brut*, p. 480. *English Chronicle*, p. 59 says that the trial reconvened on Saturday the 21st.

74 *English Chronicle*, p. 59.

75 See R. Naz, 'Promoteur de justice', *Dictionnaire de droit canonique* 7.357-58. The promoter was not an independent 'prosecuting attorney', but simply filled the judge's accusatorial role. The promoter of Cardinals Campeggio and Wolsey in the legatine trial of 1529 was John Hughes, who has left a memorandum of his duties. See *Letters and Papers, Foreign and Domestic, of the Reign of Henry VIII*, ed. J. S. Brewer et al., 22 vols. (London, 1856-1929; corr. rpt. Vaduz, 1965), 4, no. 5613.7. I describe his activities at length in *The Matrimonial Trials of Henry VIII* (Stanford, 1976). It was customary for the judge himself to level the first set of charges, and to assign this function to a promoter only in certain contested or complicated cases, where further formulations of charges were necessary. The Chichele register provides examples in the English and Roman trials of William Russell (3.126 ff. and 139 ff.). In the English trial, held before convocation, two promoters were appointed, but after their first appearance only one of them, namely Richard Collyng, vicar of St. Laurence Jewry, continued to function in the case. It is noteworthy that Collyng is said to have been appointed *by the clergy* to promote the archbishop's office against Russell (3.146; cf. p. 126).

76 *English Chronicle*, p. 59; *Brut*, p. 480 adds the bishop of Salisbury. There is an instance in

According to one report, Eleanor denied all of the charges now objected against her;⁷⁷ according to another, 'some she denied and some she granted', but on the next day of trial, Monday the 23rd, she 'was convict of the said articles', and had nothing to say when given the opportunity to impugn the witnesses brought against her, but simply submitted to the bishops' correction.⁷⁸ The *Brut* gives details of the witnesses who appeared on that day. First of all, Bolingbroke and his instruments were brought before her. She denied the intent that had been placed on her activity, and said 'that she did it for to have borne a child by her lord, the Duke of Gloucester'.⁷⁹ Southwell too testified against her, as did Margery Jourdemayne, who said that 'she was causer and doer of all this work and deed'.⁸⁰

On the following day, Friday, 27 October, 'the said Eleanor abjured before the bishops the articles abovesaid. And then she was enjoined for to appear before the said Archbishop of Canterbury or his foresaid commissioners the Thursday, the ninth day of November next following, for to receive her penance'.⁸¹ Margery Jourdemayne met her fate on the day of Eleanor's abjuration, which was also the day on which Southwell was to be arraigned.⁸² But he died in the Tower the night before, in accord with his prophecy 'that he should die in his bed, and not by justice'.⁸³ For some reason the secular trial of Bolingbroke and others involved in the case was not held for some weeks.

On the final day of Eleanor's trial, Thursday, 9 November, Archbishop Chichele himself appeared to deliver the sentence, in the company of Cardinals Beaufort and Kemp, Bishops Gilbert, Alnwick, Ayscough, and Brown, 'with divers doctors and masters of divinity'; he 'divorced and departed the Duke of Gloucester and Dame Eleanor Cobham, as for matrimony made before between them two'.⁸⁴ Historians have not always noticed this important conclusion of the Cobham witchcraft trial, namely that the court upheld the charge that Eleanor

Chichele's register (3.198-200) of his temporarily committing the conduct of a trial in convocation to another bishop.

77 *Brut*, p. 480.

78 *English Chronicle*, p. 59.

79 It seems that Eleanor had borne two children to Gloucester before he married her (Vickers, *Humphrey*, p. 205), but none after.

80 *Brut*, p. 480.

81 *English Chronicle*, p. 59.

82 *Brut*, p. 509 (MS. G, the version that Caxton printed in 1480). Another chronicler speaks of this Friday as the day of his condemnation; see C. L. Kingsford, 'Brief Notes for 1440-1443' in his *English Historical Literature in the Fifteenth Century* (Oxford, 1913; rpt. New York, n.d.), p. 340; in *Chronicon Angliae* (n. 54 above), p. 31, it is the day of his punishment. But, as we shall see from the case of Roger Bolingbroke, it seems that all of these actions could occur on the same day.

83 *Brut*, p. 509.

84 *Brut*, pp. 480-81. *English Chronicle*, p. 59 gives the date correctly (*Brut* says 6 November).

had coerced the duke into marrying her by means of sorcery, and that therefore they found the marriage null and void from the beginning. The accuracy of this reported annulment is confirmed by the findings of Humphrey's biographer; though unaware of the sentence of 'divorce', he noticed that after her trial, 'her rank was not recognized, for she is described in all official documents as "Eleanor, lately called Duchess of Gloucester"'.⁸⁵

Secondly, on the day of sentence, 'Dame Eleanor Cobham, by ordinance and charge of the Archbishop of Canterbury and his brethren, was joined to her penance for the great offence and trespass that she had done against God and holy Church and for the false sorcery and witchcraft that she used and long time had wrought'.⁸⁶ This wording seems to confirm my earlier speculation that the charges of heresy and treason allegedly brought against her in her first appearance in the archbishop's court were either dropped or never levied in the first place. We have seen, of course, that she was indicted of treason and felony in the secular courts, but the fact that we hear nothing of her arraignment before them suggests that the case was abandoned. Perhaps it was felt that the punishment to be meted out by the church court was sufficient, though J. G. Bellamy notes the possibility that she was not put on trial because there were no satisfactory precedents for trying peeresses on such crimes — a lack that was remedied in the Parliament of January-March 1442.⁸⁷

In one account, an abbreviated London chronicle, Eleanor is said to have been condemned as a heretic as well as a witch: 'adiudicata et damnata pro haeretica et nigromantica'. Furthermore, part of the penance she received, namely to go in pilgrimage, taper in hand, to different churches on three market days of the following week, resembles the penalty enjoined forty years later on another woman, Margaret Geffrey. In her case too there was the rare union of heresy and sorcery in the charges against her, and she, like Eleanor, sought to win a wealthy husband by means of magic. But this form of penance was confined neither to sorcery nor heresy, but was in fact a common punishment visited upon convicted adulterers and fornicators.⁸⁸

85 Vickers, *Humphrey*, p. 274. Cf. Rymer, *Foedera* 11.45, for the order of 26 October 1443 'de conducendo Alianoram Cobeham'; here her former title is not even referred to. When, shortly after Gloucester's death in February 1447, Eleanor was prevented by King Henry from inheriting any of his goods, she is described as having been his uncle's wife: 'quae fuit uxor avunculi sui nuper ducis Gloucestr.' (*Rot. parl.* 5.135). See Kingsford, *English Historical Literature*, p. 93, for other implications of the annulment.

86 *Brut*, p. 481.

87 Bellamy, *Law of Treason* (n. 72 above), p. 154 and note, citing *Rot. parl.* 5.56.

88 The Latin chronicle is MS. Rawlinson B 355, ed. Ralph Flenley in *Six Town Chronicles of England* (Oxford, 1911), p. 102; see Kingsford, *English Historical Literature*, pp. 79-81, 112 (addendum). For Margaret Geffrey, see above, n. 10 (no. 4) and n. 16 (no. 7). On penances for adultery and fornication, see Helmholz, *Marriage Litigation* (n. 40 above), p. 182.

Eleanor's offences, of course, were much more serious than Margaret Geoffrey's; not only did she, unlike Margaret, succeed in her magical matrimonial scheme, but her experiments with the occult must also, in the judgment of the ecclesiastical and secular authorities, have touched somehow on the life expectancy of the king. Accordingly, after her three days of public penance, 'she was committed again to the ward of Sir Thomas Stanley, wherein she was all her life after, having yearly 100 mark assigned to her for her finding and costs; whose pride, false coveteise, and lechery were cause of her confusion.'⁸⁹

On the day after Eleanor's final day of public humiliation, that is on Saturday, 18 November, Roger Bolingbroke 'was brought to the Guildhall with Sir John Hom, priest, and William Wodham, squire', but Hom and Wodham were pardoned.⁹⁰ Hom, or Hune, is identified as one of Eleanor's chaplains in another chronicle, according to which he was condemned for treason and sentenced to death before being pardoned by the king.⁹¹ Bolingbroke, however, was not so fortunate. He was arraigned before the lords and justices 'of the foresaid articles of treason against the king's person, and thereof by twelve men of London he was found guilty. Wherefore by the judgment of Sir John Hody, that time Chief Justice of the King's Bench, he was drawn from the Tower of London unto Tyburn; and there he was hanged and let down half alive, and his bowels taken out and burned, and his head smitten off and set on London Bridge, and his body quartered and sent to certain towns of England, that is to say, Oxford, Cambridge, York, and Hereford. And when the said Master Roger should die, he confessed that he was never guilty of any treason against the king's person; but he presumed too far in his cunning, as he said, whereof he cried God mercy; and the justice that gave on him judgment lived not long after.'⁹²

Perhaps by this last detail the chronicler is implying that Bolingbroke's punishment was more severe than his guilt warranted. Another chronicler, William Worcester, testifies that many made great lamentation over his death, though admittedly he had been Eleanor's counsellor in the magic art; but he speaks of him in seemingly praiseworthy terms as one of the most famous scholars in the world in astronomy and the nigromantic art.⁹³

The long account of Eleanor in the *Brut* ends as it began, with a fierce attack of weather that seems somehow attributable to her: she was kept in ward in the constabulary of Westminster until Wednesday, 24 January 1442; and when she

⁸⁹ *English Chronicle*, p. 60.

⁹⁰ *Chronicles of London* (n. 41 above), p. 149; *A Chronicle of London* (n. 41 above), pp. 129-30.

⁹¹ *Brut*, p. 509 (MS. G).

⁹² *English Chronicle*, p. 60.

⁹³ Worcester, ed. Stevenson, *Letters and Papers* (n. 65 above), p. 763.

was brought out to begin her journey to the Isle of Man, 'there was such weathering of thunder, lightning, hail, and rain that the people were sore adread and aghast of the great noise and hideous of the weather, that suddenly was done and showed there at their passage at that time.'⁹⁴

I have gone into such great detail in this case, not only because it has not been done before, but also because of its importance as an illustration of the moderation and due process which the English courts, both ecclesiastical and secular, could bring even to a witchcraft scare of nationwide scope. After widespread investigations and inquests, only a handful of people were brought to justice, and no doubt all of them were truly implicated to some extent in the forbidden arts. This is not to say that political and private prejudice played no part in the prosecutions; it undoubtedly did. But the authorities never lost control of the machinery of justice; and, though such simple phenomena as electrical storms could create something of a panic among the people, there seems never to have been any real danger of a large-scale persecution of suspected witches.

The case is also interesting because of the picture it gives of the interplay between secular and ecclesiastical courts. Unfortunately, the picture is only a very partial one. Without the actual trial records we cannot tell the precise official relationship between the two systems, let alone determine whether or not there was any cynical manipulation of one jurisdiction by the other. We cannot even tell whether the church courts always had priority in witchcraft cases, or whether it was left to the discretion of the secular and/or ecclesiastical authorities. It may be that all of the implicated persons in the affair were given an ecclesiastical trial before any secular judgment upon them was passed, even though for some of them no records of such proceedings have yet been uncovered.

The exposure that the Cobham case gave to witchcraft as a threat to government does not appear to have inspired apprehensions of this sort during the generation that followed, even though the country was torn by the respective claims of the Lancastrians and Yorkists. Similarly, little mention is made of the devil's opposition during the Wars of the Roses, though there is an abundance of assertions of divine support.

It is only at the end of the long contest between the allies of Henry VI and the party of the duke of York that I have found any reference to the influence of occult powers. But it is simply a matter of vague allegations implicating Friar Bungay, who seems to have ranked with Roger Bolingbroke as (in Worcester's words) 'quidam clericus famosissimus unus illorum in toto mundo in astronomia et arte nigromantica'. He was implicated on the basis of that by now familiar form of spectral evidence, unfavorable weather. When Queen Margaret, wife of

Henry VI, was prevented for a long time from crossing the English Channel to join in the attack against the Yorkist Edward IV, it was said to be God's will by her enemies, and by others, who bore her good will, 'that it was done by some sorcery or witchcraft of one named at that days Bungay or such other'.⁹⁵ When in the next year (1471) the Lancastrian lords were hampered by mists and other impediments at the battle of Barnet, the rumor was that they were caused by the incantations of Friar Bungay.⁹⁶

Witchcraft came seriously to the fore again only within the York family itself, in connection with Edward IV's brothers, George duke of Clarence and Richard III, and Edward's queen, Elizabeth Woodville.

Clarence was convicted of treason early in 1478, and apparently executed in secret. The chronicler John Rous, writing a decade later, maintains that he met his fate because credence was given to a prophecy to the effect that after 'E' 'G' would reign; Rous also reported that Humphrey of Gloucester was said to have been killed in order to forestall a similar prophecy (viz., that Gloucester would kill Henry VI). Both prophecies, he said, were fulfilled by Richard, duke of Gloucester (that is, Richard III).⁹⁷ A generation later Polydore Vergil discounted the prophecy as motive for Clarence's conviction, though he attributed the idea of its fulfillment in Richard to the illusions of demons. After writing the first draft of his history, Vergil apparently read some form of the Croyland Chronicle, where he found a more plausible reason for Clarence's downfall, namely the duke's complaints after one of his servants was put to death for practising *veneficium*.⁹⁸

95 *The Great Chronicle of London*, ed. A. H. Thomas and I. D. Thornley (London, 1938), p. 214.

96 Fabyan, *English Chronicles* (n. 74 above), p. 661. Kittredge, *Witchcraft*, p. 153, mistakenly says that it was the Yorkist lords who were so impeded.

97 Rous, *Historia regum* (n. 35 above), p. 215; Kelly, *Divine Providence*, p. 70. Alice Hanham, *Richard III and His Early Historians, 1483-1535* (Oxford, 1975), p. 121, badly mangles Rous's meaning in her translation of the manuscript text (a plate of which appears opposite p. 121): she renders the phrase *nempe quod dux Gloucestriae ipsum interficeret* as 'but undoubtedly that Duke of Gloucester killed himself', whereas it means 'namely, that the Duke of Gloucester would kill him', i.e. Henry VI.

98 For Vergil's dependence on the Croyland Chronicle materials, see Kelly, *Divine Providence*, p. 90 and note, and cf. Hanham, *ibid.*, pp. 96, 135-51; Hanham, however, is hampered in her analysis not only by her imperfect hold on the Latin language, but also by her failure to use Vergil's draft history, Vatican MS. Urb. lat. 498. In his first version, Vergil said that he inquired into the cause of Clarence's downfall from many authorities still living, but could find nothing certain; and after dismissing the 'G' prophecy he indulged in some reflections on providential justice (for which, see Kelly, *Divine Providence*, pp. 98-99, 325), which he later cancelled, and added the Croyland story on an inserted page (namely fol. 211). Hanham suggests that Vergil did not read the Croyland Chronicle in its present form, but rather the 'Ur-text' probably written by John Russell (see the next note). For Vergil's added account of Clarence's fall as he kept it in his printed editions, see the early English translation of his second edition (1546), ed. Henry Ellis, *Three Books of Polydore Vergil's English History* (Camden Society 1.29; London, 1844), pp. 167-68.

The Croyland report of this last-named incident may come from one of Edward IV's councillors, John Russell, at that time bishop of Rochester.⁹⁹ He identifies the servant in question as Thomas Burdett, who was allegedly in league with 'Master John Stacy, a person who was called an astronomer, when in reality he was rather a great sorcerer' (*necromanticus*). Stacy first came to the attention of the authorities in 1477, when he was accused of attempting to murder Richard Lord Beauchamp by sorcery. His connection with Burdett was brought out during an *acerrimum examen* — literally 'a very severe examination'. Kittredge assumes from this phrase that Stacy was 'examined under torture'.¹⁰⁰ He is doubtless correct. As we have seen, William Lyndwood considered the use of torture even by the ecclesiastical authorities in proceedings against heretics to be approved by canon law; and though there may have been no clear sanction of its use by the secular arm, it would be surprising if it were not employed on occasion at the call of convenience or necessity. We know for certain that it was used by the King's Council in the sixteenth and seventeenth centuries; and William Worcester reports a case of the same thing under Edward IV, some years before the Stacy affair. Much earlier still, Geoffrey Chaucer adds details of torture to his sources so casually as to suppose a familiarity with the procedures among his listeners and readers.¹⁰¹

99 Bishop Russell's connection with the Croyland Chronicle was suggested by Paul Murray Kendall, *Richard III* (London, 1956), p. 432, which I discussed in my 'Canonical Implications of Richard III's Plan to Marry His Niece', *Traditio* 23 (1967) 269-311, especially 272-73. But J. G. Edwards, 'The "Second" Continuation of the Crowland Chronicle: Was It Written "in Ten Days"?', *Bulletin of the Institute of Historical Research* 39 (1966) 117-29, shows that the ten days of April 1486 mentioned at the end of the continuation refers not to the writing of the chronicle but to a legal action presided over by Russell as bishop of Lincoln. He also calls Russell's part in the compilation of the chronicle into question, but Hanham, *ibid.*, pp. 86-96, defends Russell as the most likely candidate. I agree, and would add that even if the bishop did not compose his history at Croyland at that time (when, we are told, he spent not just ten days but a whole month at the abbey), it is a likely time for his account to have been left at Croyland. For the passage dealing with the duke of Clarence's downfall, see the *Continuatio historiae croylandensis*, ed. William Fulman, *Rerum anglicarum scriptores veteres* 1 (Oxford, 1684), pp. 561-62, and the translation of Henry T. Riley, *Ingulph's Chronicle of the Abbey of Croyland, with the Continuations by Peter of Blois and Anonymous Writers* (London, 1854), pp. 478-79.

100 Kittredge, *Witchcraft*, p. 139. Hanham, *ibid.*, p. 137 gives the same rendering.

101 For Lyndwood, see above at nn. 19-20; on torture under the Tudors and Stuarts, see Stephen, *History of Criminal Law* (n. 25 above), 1.222. Worcester, ed. Stevenson, *Letters and Papers* (n. 65 above), pp. 789-90, says that in 1468 a certain shoemaker named Cornelius, servant of Sir Robert Whittingham, was arrested for carrying letters from Margaret of Anjou; in the Tower, he was forced to implicate others by having fire applied to him while his feet were being racked or squeezed: 'Ibidem comburitur pedibus in tormentis dictus Cornelius ad confitendum multa'. Bellamy, *Crime* (n. 10 above), p. 140, cites John Stow as saying that John Hawkins, one of the men implicated by Cornelius, was put on the rack: 'He was brought to the brake, called the Duke of Exeter's daughter.' The Duke of Exeter in question is John Holland, constable of the Tower under Henry VI, who according to Coke introduced the rack as part of a plan to bring imperial civil

Stacy and Burdett were accordingly brought to trial at the order of the king, and there was allegedly uncovered a witchcraft plot against the king. The two were convicted of treasonably imagining and compassing the death of King Edward by necromancy and other means at various times during the previous three years.¹⁰² Both protested their innocence, but they were nevertheless hanged, drawn, and quartered on 20 May 1477.

Clarence made his protest almost immediately after the executions, and within

law to England (*ibid.*, p. 139). On Cornelius and Hawkins, see also Bellamy, *Law of Treason* (n. 72 above), pp. 140-41, 147, 164. As for Chaucer, he has Theseus tell Palamon (*Knight's Tale*, ll. 1744-1747):

Youre owene mouth, by youre confessioun,
Hath dampned yow, and I wol it recorde;
It nedeth noght to pyne yow with the corde.
Ye shal be deed, by myghty Mars the rede!

Earlier, Palamon told Arcite that they had agreed not to hinder each other in love, even though they had to die 'in the peyne' (line 1133), and Pandarus uses the same expression in *Troilus and Criseyde*, l. 764. It clearly does not refer to the 'strong and hard prison' (*peine forte et dure*) inflicted on those who refused trial by jury (i.e. refused to plead guilty or not guilty), which led to the practice of 'pressing' beginning under Henry IV. See Ralph B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968), pp. 24-25; Stephen, *History of Criminal Law* (n. 25 above), 1.299-300; Bellamy, *Crime*, pp. 138-39, 141-42. In the *Stanzaic Morte Arthur* (late fourteenth century, surviving in a late fifteenth-century manuscript), the author uses the term 'hard pain' to mean torture, in an episode added to the story of the poisoned apple in the French *Mort Artu*: the squires who served at the table are taken into custody, 'and thay ar put in harde payne'; one of them confesses: 'There he grauntyd amonge hem alle, It myght no lenger be to layne [i.e., hidden] How in an appelle he dede the galle'; ed. J. Douglas Bruce, EETS, ES 88 (London, 1903; rpt. Millwood, N.Y., 1975), p. 48. lines 1648-1654. In Chaucer's *Nun's Priest's Tale* Chanticleer tells Partlet of the fate of two murderers:

And right anon, ministres of that toun
Han hent the carter and so soore hym pynded,
and eek the hostiler so soore engyned,
That they biknewe hire wikkednesse anon,
And were anhangid by the nekke-bon. (ll. 3058-3062)

In the year 1433 a merchant complained to Commons that the lord of the port city of Gildo in Brittany had imprisoned a servant of his 'and engined him so that he was in point of death' (*Rot. parl.* 4.475). In the Wakefield Cycle play of the Crucifixion (late fourteenth or early fifteenth century, preserved in a late fifteenth-century manuscript), the attendants, called torturers (*tortores*), say that Christ would have done another trick if he had had the rack:

He wold have turnyd an othere croke
Myght he have had the rake.

See *The Townley Plays*, ed. George England, EETS, ES 71 (London, 1897; rpt. 1966), p. 260, ll. 87-88.

102 J. R. Lander, 'The Treason and Death of the Duke of Clarence: A Reinterpretation', *Canadian Journal of History* 2.2 (1967) 1-28, especially 8, citing the *Third Report of the Deputy Keeper of the Public Records*, app. 2 (London, 1842), pp. 213-14.

a few weeks he himself was arrested. Among the charges upon which he was convicted in February 1478 was that he had accused King Edward himself of using sorcery: Clarence 'said and labored also to be noised by such his servants apt for that work that the king our sovereign lord wrought by nigromancy and used craft to poison his subjects, such as him pleased'. He was also charged with having accused Edward of designs upon his own life, and perhaps it was meant as an illustration of the way in which the king used witchcraft: he declared 'that the king intended to consume him [Clarence] in like wise as a candle consumeth in burning'.¹⁰³

Edward IV had been connected with another familiar sort of witchcraft plot some years earlier, when his mother-in-law, Jacquetta of Luxemburg, duchess of Bedford, was accused by one Thomas Wake of making magic images — specifically an image of the king and one of her daughter, Elizabeth Woodville Grey.¹⁰⁴ Presumably the purport of the accusation was that the duchess had by her witchcraft engineered the king's infatuation with her daughter, which led to his at first secret, then public, marriage to her.

Edward's union to Elizabeth was made public in 1464, and Wake's accusation came only several years later: Jacquetta was cleared of the charge on 22 January 1470. Whether or not Wake was attempting to impugn the king's marriage at this time can only be conjectured; but that was clearly the intent of the charge when the matter was taken up again after Edward's death in 1483, in support of Richard III's claim to the throne. The parliamentary statement of the accusation is couched in terms of notoriety resembling those of articles in an *ex officio* inquisition: 'The said pretended marriage ... was made ... by sorcery and witchcraft, committed by the said Elizabeth and her mother Jacquetta, duchess of Bedford, as the common opinion of the people and the public voice and fame is through all this land, and hereafter, if and as the case shall require, shall be proved sufficiently in time and place convenient'.¹⁰⁵

103 *Rot. parl.* 6.194; Kittredge, *Witchcraft*, p. 140.

104 Kittredge, *Witchcraft*, p. 84.

105 *Rot. parl.* 6.240-42, reprinted by Mortimer Levine in *Tudor Dynastic Problems, 1460-1571*, Historical Problems, Studies and Documents 21, ed. G. R. Elton (London, 1973), pp. 135-37. The declaration was first presented to Richard late in June (by the 26th) of 1483, and then ratified under his parliament early in 1484 (see Levine, pp. 28-29). Cf. the language of the articles in the legatine trial of 1529. The first article, as given in Cambridge University Library MS. Dd. 13.26, fol. 6, reads: 'In primis vobis, illustrissimo principi Henrico octavo, ad effectum supradictum obiicimus, exponimus, articulamus, et ministramus: Quod vos et celeberrimae memoriae Arthurus, perennis famae Henrici septimi nuper regis Angliae et dominae Elisabeth consortis suae primogenitus, fratres ex eisdem parentibus geniti eratis ac pro talibus in regno Angliae et alibi communiter habitii et reputati fuistis sicuti estis de praesenti, haecque fuerunt et sunt vera, publica, et notoria, ac de et super eisdem laborarunt et laborant publica vox et fama, ac obiicimus coniunctim et divisim et de quolibet'.

In this charge Queen Elizabeth herself is included in the practice of witchcraft, which perhaps reflects the fact that a short time before (on 19 June 1483) Richard, according to Polydore Vergil, had accused that witch (*illa maga*) Queen Elizabeth of afflicting his body with her *veneficia*. Thomas More, who, according to Alice Hanham's plausible argument, was drawing on an early version of Vergil's history, gives the queen an unlikely associate, Edward IV's mistress: 'That sorceress and that other witch of her counsel, Shore's wife, with their affinity, have by their sorcery and witchcraft wasted my body'.¹⁰⁶

The traditional view, which Hanham opposes, is that More's chief informant was John Morton, who in 1483 was bishop of Ely. In More's narration, Richard's charge occurred just after Morton had sent for some strawberries from his garden at Richard's request. It has been suggested that Richard deliberately simulated a witchcraft attack by eating strawberries, to which he knew he was allergic.¹⁰⁷ Or, taking a less villainous view of Richard and assuming some basis in fact for More's story (a dangerous assumption), we might conjecture that the Protector was genuinely frightened by some consequence of the bishop's gift. Be that as it may, I know of no direct evidence associating Morton with a witchcraft plot against Richard.¹⁰⁸ He was, however, linked with a 'nigromancer', one Thomas Nandyk, who joined Buckingham's rebellion against Richard in the autumn of 1483. But in Richard's strange proclamation of 23 October, in which he goes out of his way to condemn sexual immorality (in particular, he denounces the ex-Marquess Dorset, Queen Elizabeth's son, for 'holding the unshameful and mischievous woman called Shore's wife in adultery'), he does not bring up the matter of witchcraft.¹⁰⁹ When the participants in the revolt were attainted by Parliament early in 1484, five instigators of the treason were named, including

¹⁰⁶ Thomas More, *The History of King Richard III*, ed. Richard S. Sylvester, *Complete Works of St. Thomas More* 2 (New Haven, 1963), pp. 47-48; see *ibid.*, pp. 218-19 for the text of Vergil's account (from the Ellis ed., n. 98 above, pp. 180-81). See Hanham, *Richard III* (n. 97 above), pp. 152 ff.: 'Sir Thomas More's Satirical Drama'. As I noted above in connection with the Croyland Chronicle, Hanham must be faulted for neglecting to consult Vergil's manuscript, in this case in order to determine the precise state of the *Anglica historia* when More presumably got hold of a copy of it and, as Hanham thinks, deliberately satirized the Italian's methods. In the instance under discussion, namely Richard's charge of witchcraft against the queen, it does in fact occur in the earliest layer of Vergil's manuscript, on fols. 217v-218.

¹⁰⁷ John Dover Wilson, 'A Note on *Richard III*: The Bishop of Ely's Strawberries', *Modern Language Review* 52 (1957) 563-64, following Dr. J. Swift Joly.

¹⁰⁸ Rossell Hope Robbins, *The Encyclopedia of Witchcraft and Demonology* (New York, 1959), p. 162, says that Morton, the countess of Richmond (i.e., the mother of Henry VII), and other Lancastrians were tried for using sorcery in 1483, but I cannot find any report of such trials, and Professor Robbins informs me that he is unable to locate the source for his statement.

¹⁰⁹ Rymer, *Foedera* 12.204-205.

Buckingham, Morton, and 'Thomas Nandyk, late of Cambridge, nigromancer'.¹¹⁰ The black art is simply listed as Nandyk's profession, and no account is taken of his making use of it in his treason. He was referred to in the same way in Henry VII's first Parliament, in which all those so attainted were pardoned.¹¹¹

The context of this last named parliamentary act did not of course allow any opprobrious comment to be made on Nandyk's necromancy, but it could perhaps be taken as an augury of Henry VII's attitude toward witchcraft that a publicly proclaimed sorcerer could be set at large without let upon his practices. Henry Tudor's disputed title to the throne gave rise to the same kind of plots and insurrections that had aroused fears of sorcery among his predecessors. But I can find no evidence of such concern in him; nor is there any association of witchcraft with his name, with one exception, an exception that seems to confirm the above impression. In 1496, a multiple murder-by-witchcraft plot against the king and his family and councillors was alleged in a confession by one Bernard de Vignolles, who implicated, among others, John Kendal, grand prior of the Knights Hospitallers of St. John of Jerusalem. Kendal's supposed motive, apparently, was to advance the pretender Perkin Warbeck.¹¹² Bernard's confession is endorsed by Henry VII in his own hand, so the king must have read the series of charges against the prior; but, as Kittredge says, 'he seems to have made light of it', for Kendal received a general pardon on 18 June 1496.¹¹³

As for Henry VII's sixteenth-century Tudor successors, they seem to have inherited his lack of serious concern for the magical arts as such, in connection with their own persons. In the case of Henry VIII, witchcraft seems to have touched his conscience directly only at one point, and that a sore one: he came to the conclusion that Anne Boleyn had bewitched him into loving her. This view of the matter crystallized after his attraction towards her had long since waned, when he was seeking a way out of his marriage to her. But he did not publicize his conviction that witchcraft had been used; he simply spoke of it to someone as a great secret, as if he were going to confession. The someone, however, broke the seal of confession, as it were, and revealed it to one of the king's principal

110 *Rot. parl.* 6.245-47.

111 *ibid.*, p. 273: but 'Nandyk' (or 'Nandik' or 'Nandike') has metamorphosed into 'Vandyke'.

112 James Gairdner, *Letters and Papers Illustrative of the Reigns of Richard III and Henry VII* 2 (London, 1863), pp. 318-23. The magic involved the use of a special ointment to be spread on a doorway through which the king was to pass; it was to have the effect of inciting the king's friends to kill him. Vignolles claimed that Kendal eventually refused to make use of the ointment, not because of a change of heart, it seems, but because he feared that the virulent substance might endanger his own life (in fact, Vignolles said, the ointment was harmless, for he had surreptitiously replaced the magic brew with a concoction of his own).

113 Kittredge, *Witchcraft*, p. 50, citing the Calendar of Patent Rolls.

courtiers, who in turn passed it on to Lord and Lady Exeter, whence it came to the ears of the emperor's ambassador, Eustace Chapuys. Chapuys found it difficult to believe that the king could be serious, but he accepted the report as true because it came from a good source.¹¹⁴

Apart from this single instance of amatory witchcraft, the occult arts seem to have encroached upon royalty in the sixteenth century mainly by way of prophecy. For instance, the duke of Buckingham, like Macbeth, was told that he would one day be king, a hope that led to his execution in 1521.¹¹⁵ One of the offenses for which Lord Hungerford was attainted and executed in 1540 was his inquiry by conjuration into the duration of the king's life.¹¹⁶ In 1532, the King's Council investigated Sir William Neville for giving voice to certain prophecies about the king.¹¹⁷ In Edward VI's time a man confessed to calculating the death date of that king, but Edward dismissed the matter as insignificant. He did, however, order the offender to the Tower, where he was kept for a year.¹¹⁸ During Queen Elizabeth's reign, there was a whole series of charges of such calculations of the life expectancy of the sovereign, which led to parliamentary action against it.¹¹⁹ Now the matter was taken seriously, and rightly so, because of the numerous real plots against the queen with which such activities were often connected. Yet, in spite of this, and in spite of the unquestionable growth of popular interest in witchcraft, there was no panic, no witchhunting worthy of comparison with that which occurred in other lands, no reaction like that of King James VI and his Scottish subjects in 1590 and the years following.

As we have seen, most of the theoretical, judicial, and motivational ingredients for a witchcraft epidemic were available in England during the fourteenth, fifteenth, and sixteenth centuries, but they did not occur in an explosive combination. The reality of witchcraft's power for evil was admitted, but it was not singled out for undue attention. Attempted murder and treason by witchcraft were not prosecuted with greater vigor than other forms of murder and treason. If torture was used in England, it was no doubt used as 'judiciously' for ferreting out other crimes as for investigating possible instances of sorcery. Witchcraft was sometimes felt to be connected with heresy (though burning was a possible

114 Chapuys to Charles V, 29 January 1536, given in Paul Friedmann, *Anne Boleyn* 2 (London, 1884), pp. 202-203.

115 Kittredge, *Witchcraft*, pp. 228-29.

116 *ibid.*, p. 65.

117 *ibid.*, p. 63.

118 Wallace Notestein, *A History of Witchcraft in England from 1558 to 1718* (Washington, D.C., 1911; rpt. New York, 1968), p. 13.

119 *ibid.*, pp. 25-27; cf. Alan Macfarlane, *Witchcraft in Tudor and Stuart England* (London, 1970), pp. 77-78, and see n. 72 above.

penalty for witchcraft apart from any consideration of heresy); but it was not formally identified with it, and in spite of the Templar and Kyteler cases in the early fourteenth century there was no acceptance of the idea of the heretical cult of witchcraft.

The ecclesiastical inquisition was used as well against witchcraft as against heresy (where torture was allowed but probably not practised) and other offenses, but similar due process was observed in all cases. No doubt a papal inquisition could have been had for the asking, if an English monarch had deemed it necessary or advisable, as did Edward II in the case of the Templars, but the need was not felt.¹²⁰ Of course, church inquisitions, papal or otherwise, were not necessary for the successful mounting of a good-sized witch hunt; but nothing of the sort occurred, even in the sixteenth century, when England shared the kind of religious dissent that allegedly provided the occasion for witch burnings on the Continent.¹²¹

The devil, in short, was given his due in England; but it was rarely more of a due than was warranted by traditional theology and common sense. Perhaps the English faith in divine providence was so strong that repression of the devil and

120 For Edward II, see above, nn. 10 and 20. Edward at first prohibited the inquisitors from using torture, as being contrary to the laws of his kingdom. Beginning at least with Henry VIII, or even Edward VI (see n. 101 above), the English rulers had no such scruples, at any rate for Council investigations; but they did not attempt to impose the practice in either ecclesiastical or secular trials. It is noteworthy that in the papal inquisition into Henry VIII's first marriage, the legatine trial of 1529, instituted at the king's invitation, the normal forms were observed, in spite of the fact that the papal commission allowed for summary procedure. The *ex officio* inquisition was still used in England even after the break with Rome. For example, Cranmer employed it in the trial of Henry's second marriage, to Anne Boleyn, in 1536, and Archbishop Whitgift was using it in the 1580's — see J. B. Black, *The Reign of Elizabeth*, Oxford History of England 8, 2nd ed. (Oxford, 1959), p. 199 (in the same series, J. D. Mackie, *The Earlier Tudors*, 1952, pp. 549-52, describes the papal inquisition against Cranmer and other heresy trials under Queen Mary: even here torture was not used). The *ex officio* procedure was also still being used in the archdeacons' courts; see E. R. Brinkworth, *The Archdeacon's Court: Liber actorum, 1584* (Oxfordshire Record Society 23; Oxford, 1942); Brinkworth points out, both here (p. v) and in 'The Study and Use of Archdeacons' Court Records, Illustrated from the Oxford Records (1566-1759)', *Royal Historical Society, Transactions*, 4th Ser., 25 (1943) 93-119, especially 101, that basically the same procedure was followed until 1640. See, for example, Claude Jenkins, *Act Book of the Archdeacon of Taunton* [for 1623-1624], in *Collectanea* 2, ed. T. F. Palmer (Somerset Record Society 43; London, 1928), pp. 1-175.

121 This is the thesis of H. R. Trevor-Roper, 'The European Witch-Craze of the Sixteenth and Seventeenth Centuries' in *Religion, Reformation, and Social Change* (London, 1967), pp. 90-192. The causal implications are questioned by H. C. Erik Midelfort, *Witch Hunting in Southwestern Germany, 1562-1684* (Stanford, 1972), p. 6: 'In attempting to explain why witch hunts 'broke out at specific times, scholars have pointed to their temporal conjunction with wars of religion and outbreaks of heresy hunting. There is no doubt some validity in correlating witch hunts with periods of religious conflict and renewal, but the correlation is still incomplete, and the reasons for the beginnings of large-scale witch hunting remain unclear.'

his co-workers could be safely left to God. At any rate, it was clearly providential that at the time when the *Malleus maleficarum* was published on the Continent, an extremely levelheaded sovereign had begun to rule across the English Channel.¹²²

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122 I wish to thank Professor Norman Cohn for giving this essay a last-minute reading and thereby saving me from several questionable generalizations.

ENNOBLEMENT IN LATE MEDIEVAL FRANCE

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IN its components and its functions in society, the *noblesse* of late medieval France presents some striking contrasts to what preceded it in earlier ages. The term 'nobility', when applied to the eleventh and twelfth centuries, implied ancient lineage, wealth, and the duties of a warrior as vassal to a great lord.¹ By the end of the Middle Ages, however, a new element would claim a place for itself within the ranks of the nobility. This element was the wealthy bourgeoisie.

From the twelfth century on, the old military nobility could not fail to perceive the pretensions of the urban patriciate, pretensions which could be realized, at least in part, by the purchase of a noble (or *franc*) fief and the privileges attached to it. The reaction of the old nobility, their ranks seemingly threatened by an invasion of parvenus, became restrictive and increasingly exclusive. Even without the help of the monarchy, the efforts of the old nobility met with some success. In any case, there was no time in medieval France in which it was more difficult to enter the ranks of nobility and enjoy the privileges of the class² than c. 1250-

1 See M. Bloch, *Feudal Society*, trans. L. Manyon (Chicago, 1964), pp. 286-88 for various meanings attached to the word 'noble' in the Middle Ages. Speaking in abstractions is unavoidable, of course, when speaking of *noblesse* or bourgeoisie. See L. Génicot, 'Naissance, fonction et richesse dans l'ordonnance de la société médiévale' in R. Mousnier, ed., *Problèmes de stratification sociale* (Paris, 1968), pp. 83-100.

For general indications concerning the nobility of late medieval France, see Bloch, *ibid.*; P. S. Lewis, *Later Medieval France, the Polity* (London, 1968), pp. 167-237 and 'Decayed and Non-Feudalism in Later Medieval France', *Bulletin of the Institute of Historical Research* 37 (1964) 156-84; le comte de Neufbourg, 'Enquêtes: les Noblesses', *Annales d'histoire économique et sociale* 8 (1936) 243-55; G. Duby, 'Une enquête à poursuivre: la noblesse dans la France médiévale', *Revue historique* 226 (1961) 1-22; E. Perroy, 'Social Mobility among the French Noblesse in the Later Middle Ages', *Past and Present* 21 (1962) 25-38; and P. Contamine, 'The French Nobility and the War' in *The Hundred Years War*, ed. K. Fowler (London, 1971). For primary sources see G. Saffroy, *Bibliographie généalogique, héraldique et nobiliaire de la France des origines à nos jours*, 2 vols. (Paris, 1968-70) and J. Guigard, *Bibliothèque héraldique de la France* (Paris, 1861).

2 Essentially, they are exemption from personal taxes, precedence in public functions, the right to fight on horseback and to wear the golden spurs once knighted. Cf. E. Chénon, *Histoire générale du droit français public et privé des origines à 1815*, 2 vols., (Paris, 1926-29), 2. 22 ff.

1350. However, the Hundred Years War and the monarchy's great need for a fighting force and monetary support would change this picture, and dramatically. The monarchy's need for trustworthy adherents in the face of opposition from the greater nobility in the fifteenth century would also affect the ease of attainment of noble status. Military life might be pursued by a few commoners, but more importantly, we see the beginnings of a different sort of nobility than France had known before, and one recruited for the most part from the bourgeoisie; that is, a nobility of office in the service of the king.

The purpose of this paper is to explore the gradually broadening avenues to nobility available to the bourgeoisie in the fourteenth and fifteenth centuries, and particularly those of the *franc fief*, a letter of ennoblement, appointment to civic government in a privileged town, or to an office in the royal service which ennobled. Also investigated is the monarchy's slow establishment as fact of its centuries-old claim to be sole arbiter of advancement to noble rank.³

* * *

For *Li Livres de Jostice et de Plet* (c. 1260), the earliest legal text⁴ that speaks at any length about the 'condition des personnes', there were at least two means to nobility: by birth and by property. 'They are noble who are born of a free mother and a free father.'⁵ Here 'free' is simply another word for noble.⁶ And again, 'one is free by reason of the heritage he holds, even if he is not free by reason of body or ancestors.'⁷ Nothing here restricts the *roturier*⁸ wishing to enter the nobility immediately by purchase of a fief. But going on, to borrow from the *Digest*⁹ the text that one also is noble if one's grandparents and great-grandparents were noble, the *Jostice et Plet* points to what in time will be, for con-

3 A word should be said regarding sources. For more than an occasional remark of a chronicler or a poet, we must turn to the *coutumiers*, compilations of local customary law, to discover the social 'condition des personnes' in medieval France. Though Charles VII commanded in 1454 the recording of customary law throughout France, some yet remained unwritten until well into the sixteenth century. Still others, though perhaps redacted in the thirteenth or fourteenth century, contain few if any allusions to social standing. For the royal domain, we have the large but still incomplete collection of the *Ordonnances*. The *arrêts of Parlement* and the *Olim* offer less to the researcher. Royal letters survive in quantity only from the reigns of Louis XI and Charles VIII. In sum, we are allowed only a fragmentary picture of the condition of the nobility, a picture at times in sharp contrast from one region to the next.

4 M. Rapetti, ed. (Paris, 1850); a mélange of Roman law and the usages of the Orléanais.

5 *ibid.*, p. 54.

6 See Bloch, *Feudal Society*, pp. 286 f. for a discussion of the word 'free'.

7 *Jostice et Plet*, p. 66.

8 M. de la Roque, *Traité de noblesse et de ses différentes espèces* (Rouen, 1735) 3, suggests the fanciful etymology that the *roturier*, or commoner, was one vanquished, 'mis en route ou dérouté'.

9 *Jostice et Plet*, p. 66; *Dig.* 1.10.31.

servative opinion, almost the only criterion in establishing oneself as a member of the nobility.

Scarcely more than a decade later, the so called *Établissements de Saint Louis*, reflecting the custom of Touraine-Anjou, insists upon a still more restrictive interpretation of noble status. It may properly be conferred only through the male line.¹⁰ More than that, nobility is discovered to have its origins in the father's knighthood. Thus the essentially military function of the old nobility is asserted to oppose the upstart who knows more of commerce than of combat. And free or serf, *roturière* or noble, the social condition of the mother is becoming less significant for her children.¹¹ A son of a noblewoman and a commoner might claim nobility through his mother, but that is not enough to qualify him as a candidate for knighthood. 'Car usages n'est mie que fame franchise home.'¹² Indeed, if a son of such a marriage should be knighted, we are told, the fraud should be exposed and his spurs cast in the mire.¹³ No longer, as in times before,

Franc hom de franche mere nez
S'à chevalier est ordenez.¹⁴

Nobility, then, was being redefined, equated with the capacity to receive knighthood, which itself was becoming in the late thirteenth century a hereditary privilege.¹⁵ This would not be the work of a day, however. Writing his *Coutumes de Beauvaisis* about 1283, Philippe de Beaumanoir, sire de Rémi, observed that though *hommes de poosté*, or well-to-do commoners, should not be able to hold noble fiefs, they do. Questions concerning the ambivalent legal status of the commoner holding a noble fief could not help but arise. And, as we shall see, clearer answers come from the *coutumiers* than from any royal ordinance.

As Beaumanoir says, 'couchans et levans' in his own *franc fief*, the commoner 'use de la franchise du fief.'¹⁶ Any case brought before a court concerning his fief

10 *Établissements de Saint Louis*, ed. P. Viollet, 4 vols. (Paris, 1881-86) [hereafter *Établ.*], 2. 252-53.

11 For the still unsettled question of the early dimensions of uterine nobility see L. Verriest, *Noblesse, chevalerie, lignages* (Brussels, 1959), pp. 65-75 and 97-107 and the review article by R. Boutruche, 'Un livre de combat ...', *Revue historique* 225 (1961) 73-80. Further bibliography will be found in P. Viollet, *Histoire du droit français* (Paris, 1905), p. 275.

12 *Établ.* 2. 252-53. Cf. Philippe de Beaumanoir, *Coutumes de Beauvaisis*, ed. A. Salmon, 2 vols. (1899; rpt. Paris, 1970), § 1500. [Hereafter cited as Beaumanoir].

13 *Établ.* 1. 171.

14 So Étienne de Fougères, in his *Livre de manières* of 1176, cited in *Établ.* 1. 172-73.

15 For other contemporary examples of this redefinition see Bloch, *Feudal Society*, pp. 320 f., and P. Guilhaume, *Essai sur l'origine de la noblesse en France au moyen âge* (Paris, 1902), p. 462.

16 Beaumanoir, § 1502. Cf. Pierre de Fontaines, *Conseil*, ed. A. Marnier (Paris, 1846), p. 12 [before 1300]. Beaumanoir allows acquisition by inheritance, but not by purchase or exchange, without permission of the king or overlord (§ 1508).

should be 'demenés à la loi des gentius hommes.'¹⁷ Accordingly, he should be judged in such matters by his noble peers and, if necessary, receive punishment as if a nobleman.¹⁸ On the other hand, he must fight any appeal of a judgment as an *homme de poosté*.¹⁹ At the same time, in contrast to the *gentix homs de lignage*, the *roturier*, even in matters concerning his *franc fief*, had no right of private war.²⁰ Yet more expressive of difference in status was the law of inheritance. If a commoner conquered or bought a noble fief, his eldest son would owe the oath of faith upon inheritance. However, the heirs would inherit equally, as commoners do, until the third generation, after which the estate would be divided as among nobles, with two thirds for the eldest and the remaining one third apportioned among any other heirs.²¹ The fief would still ennoble, but only in time. From the monarchy there was little effort to clarify the *statut mixte* of the *roturier* fief holder other than the rather vague and isolated pronouncement of Philippe VI that 'non est intentione nostrae quod de Aquestibus, quae Innobiles fecerunt de rebus quas Nobiles tenebant, eisdem Innobilibus remaneant, nisi procedat de nostra gratia et voluntate.'²² Perhaps it was a Florentine, Poggio Bracciolini, writing in the first half of the fifteenth century, who described them best in referring to the merchants of France who flee from the town for their newly purchased country estates as *seminobiles*; men who at length are honored as nobles.²³

One might ask whether there were any reasons, other than pride of caste, why the old nobility should wish to exclude the commoner from entering its ranks. Certainly the fact that the *nouveau-venu* was frequently incompetent on the field of battle would give pause to any leader of a feudal host. But he was untrained as well in the judicial and administrative duties expected of the feudal vassal. What, further, if such inexperience should find itself by purchase or inheritance in the position of exercising authority over vassals of its own and, worse still, over vassals from the old military nobility?²⁴ Clearly there could be no all-inclusive

17 Beaumanoir, § 1507.

18 *ibid.*, § 1506.

19 *ibid.*, § 1507.

20 *ibid.*, §§ 1671-72.

21 *Établ.* 2. 281-82. Cf. *ibid.* 1. 168 and Beaumanoir, §§ 498, 1478 and 1480. See also H. Richardot, 'Note sur les roturiers possesseurs de fiefs nobles', *Annales de la Faculté de Droit d'Aix* (1950) 269-81.

22 *Ordonnances des roys de France de la troisième race*, ed. M. de Laurière and others, 21 vols. (Paris, 1723-1849), 2. 69; 10 June 1331 [hereafter *Ord.*]. Only with the edict of Blois in 1579 (art. 258) is it stated that acquisition of a noble fief does not in itself ennoble.

23 *De nobilitate*, in *Poggii opera omnia*, 3 vols. (n.p., 1538), 1. 68.

24 On such occasions only make-shift agreements could be made. See *Établ.* 4. 159 for one reached by payment of a fine to the *roturier* fief holder. Cf. *Actes du Parlement de Paris*, ed. E. Boutaric, 2 vols. (Paris, 1863-67), 1. 47.

formula to stay these situations short of a royal ordinance declaring *roturier* possession of noble fiefs illegal; a law which might well be ignored by the greater feudal barons if for any reason it did not suit their purposes.

The first step taken by royal authority toward a solution to the problem appears to have been the ordinance of Christmas 1275. If a non-noble had a fief in the royal domain and performed his duties competently, he was not to be disturbed. But if the feudal services owed by the fief had been diminished by its incumbent, he was required to pay the equivalent of the revenues of two years from it or have it confiscated.²⁵ This levy was called the *droit de franc fief*, the payment of which would not ennoble in itself.²⁶ What originated as a fee exacted in lieu of services would in short time be recognized as a preeminent resource for indigent monarchs. It was exactly that for Philip IV, who levied a fine of three years' revenues on all commoners throughout France who held a *franc fief*, no matter what the degree of feudal service they performed.²⁷ The same is true for Philip V, who declared flatly that he intended to harvest as much as he could from his *droit de franc fief*. To collect six years' revenues from those owing in Languedoc and three years' from those in 'France' was the task of a *franc fief* commission established by Philip V in March 1320 (o.s.), the method of which was a model of simplicity: confiscation of lands and revenues until the fee was paid.²⁸ Few other kings were as rapacious. For Louis X it was enough to require a fee on alienation to commoners of fiefs which included châteaux, towns or 'high justice', which is an index in itself of the eminence to which they could aspire.²⁹ Charles IV was content with only two years' revenues from commoners holding noble fiefs, exempting those who inherited from noble relatives.³⁰ But both he and Philip VI after him were singularly tenacious in searching out those who were subject to the fine.³¹

25 *Ord.* 1. 303-305.

26 Guilhiermoz, *Essai*, p. 480, citing a manuscript of Jacques d'Ableiges' *Grand Coutumier* (c. 1375). This somewhat misnamed *coutumier*, relatively unimportant for our purposes, was edited by E. Laboulaye and R. Dareste (Paris, 1868). I am unable to locate Guilhiermoz' citation in the edited text.

27 *Ord.* 1. 322-24, art. 9, *Toussaints*, 1291.

28 *ibid.* 1. 748-49.

29 *ibid.* 1. 553. 'High justice' was applicable to crimes punishable by death. Not very consistently, Louis X seems to have had hesitations about commoners holding noble fiefs. According to the wishes of a group of nobles in Champagne, Louis issued an ordinance to the effect that nobles in that county might grant noble lands only to those who were nobles themselves. No longer might they be given to commoners there for their services to the nobility. See *ibid.* 1. 574; May 1315.

30 *ibid.* 1. 797-98.

31 *ibid.* 2. 68-69; 10 June 1331. See also J. Henneman, "Enquêteurs-Réformateurs" and Fiscal Officers in 14th Century France', *Traditio* 24 (1968) 309-49 and the same, *Royal Taxation in Fourteenth Century France* (Princeton, 1971), pp. 44, 76 and 81.

It is natural to expect, with the opening of the Hundred Years War, that this remunerative fee should constantly be levied on would-be nobility. But before following its sometimes sinuous history, it is not too early to remark how essentially favorable this usage was to the commoner aspiring to the status of nobility. In effect, the monarchy opened wide the way to eventual acceptance among the nobility for those bourgeois who could pay. From the reign of Philip V to the sixteenth century, there was no threat of loss of lands or revenues of commoners holding noble fiefs — as long as they were able to pay the *droit de franc fief*.³²

For all that, there must have been moments when the commissioners sent to collect the *droit* were met with something less than complete cooperation. As late as 1363, one commissioner for an assessment of 1322 records his disgust at how little had been collected, considering the 'financias ... infinitas' which might have been expected.³³ Though commonly these commissions sought only those who had acquired such fiefs within the last forty years, the large number of commissions appointed that we have record of argues in itself their general ineffectiveness. Meanwhile, if we are to believe the plaint of Charles VI, the number of *roturiers* who acquired noble fiefs was increasing 'de jour en jour'.³⁴

At the same time, the monarchy would find itself forced to develop means to compromise the very purpose of these commissions which sought to raise funds in compensation for loss of military services. The need to assure the loyalty of one's subjects could overshadow even the need for money. And what better way to make certain the fidelity of the inhabitants of a town strategically located in the war with England than to grant to its most important element, the wealthy bourgeoisie, the right of obtaining noble fiefs and eventual recognition as noble, without being subject to charges of any sort? Condom, Lille and Montdome were the first to receive the privilege under Philip VI.³⁵ Considering the 'bons et agreables serviches', the 'grand pertes et damages' sustained in the war and 'pour garder leur loiauté envers Nous', the residents of these towns might purchase fiefs as they pleased, 'sans finance', either in their châtellainie, or, as the case might be, anywhere in France. This was to be without regard to local customary law, which, 'quant à ce, Nous mettont au nient'.³⁶

32 The single exception to this is Charles VI's threat of confiscation if all holding noble fiefs did not respond to a general military levy, 14 October 1411. See *ibid.* 9. 640-42.

33 *ibid.* 4. 235.

34 *ibid.* 7. 443; 6 September 1391.

35 *ibid.* 3. 233-37; October 1340. *ibid.* 12. 84-85; March 1345. *ibid.* 15. 442; 1348.

36 *ibid.* 12. 84. We have little way of knowing whether this right was not at times fabricated by the local bourgeois and presented to the king for confirmation in the guise of an ancient charter. Such may have been the case with Montdome, whose charter, dated 1348, is first known to us when presented to Louis XI for confirmation in 1461.

It was Charles V who employed most generously this means of fixing the loyalty of his townsmen, particularly in the wake of his conquests in the south from 1369 to 1371. For whole *pays* as well as towns he declared an exemption from the *droit de franc fief* for a time or in perpetuity.³⁷ To others he had more to give — if they saved him the trouble of battle and recognized him, rather than Edward III of England, as their lord. Villeneuve, in return for its new-found loyalty, would enjoy not only freedom from the *droit*, but exemption from all imposts for ten years and forgiveness of all crimes committed in the past.³⁸ In any case, remission of the levy on *francs fiefs* was an idea so welcome to the burdened bourgeois that the wholesale forgery of charters containing this all-important immunity eventually forced Charles to insist that their validity would be recognized only if originally registered with the *Chambre des comptes* in Paris.³⁹ With other populations Charles was stricter, but still he held open the door to the gaining of noble fiefs by commoners with all that that implied. Neither fortresses nor great allods were to come into their hands, but if they had them they could keep them.⁴⁰ With exceptions concerning the administration of justice and receiving homage from military vassals, the right of acquiring *francs fiefs* without payment was granted to the citizens of Béziers, St. Antonin, Puy-Mirol, Lauserte, Villefranche and Moissac.⁴¹

To reward past loyalty and encourage constancy, Charles VII added the towns of Compiègne and Bourges to this list, while Louis XI, wishing that his important towns be more 'ardans et curieux de nous servir', would in time favor the inhabitants of Bordeaux, Castel Sarraasin, Nîmes, Aigueperse, Rouen, Amiens, Orléans and Beauvais in a like manner.⁴² And for those not so fortunate as to live in any of these towns there was the simple expediency of fraud. Not only were fiefs being acquired by commoners illegally, but fiefs were held with the pretension of exercising every aspect of authority within them. Some might affect that

37 Thus, with variations, in the Rhodéz in 1369; Caussade, St. Antonin, Montauban, Caylus de Bonnette, Puy-la-Roque, Milhaud and Cahors in 1370, and Peyreusse, Fleurance and Paris in 1371. Charles' allowance that the citizens of Paris might wear weapons and noble ornaments has given rise to the myth of their 'ennoblement'. See *ibid.* 5. 418-19 and 13. 143 f. Charles VI, however, would call them 'nobles' (*ibid.* 9. 464, art. 6).

38 *ibid.* 5. 393.

39 *ibid.* 6. 171-73; 14 February 1375 (o.s.).

40 They would have to pay 'finance', however. See, for example, *ibid.* 5. 302-304 and 698-702.

41 *ibid.* 5. 302-304; 6. 499-507; 5. 312; 6. 403-404; 5. 360-66; 5. 698-702 and 6. 299-301 respectively.

42 *ibid.* 15. 33-34; 16. 14-16, 102-107, 330-31, 579-81; 17. 401-403, 318-20, 400-401 and 531-32 respectively. The privileges of Orléans were extended in 1483 and 1485. See *ibid.* 19. 112-14 and 608-10.

their fiefs were allods, and that they were entirely independent of any lord.⁴³ Attempts at deception like these were all the easier during the later reign of Charles VI, when France was the prey of both civil and foreign wars. The cost of chaos was felt equally, however. In this worst of times, the *roturier* found that his fief, whether held legally or extra-legally, brought with it an obligation which he had not anticipated. He would have to go to war. At least once he was ordered to come to the aid of his king, who now fought both the English and the duke of Burgundy, or lose his fief!⁴⁴ Dragooned into military service, from which he had thought himself exempt, the commoner-owner of a *franc fief* thereby discovered a means of assimilation into the old military nobility which he might not have contemplated before.

'... Ceulx que ne sont nobles de lignée, le sont par exercise et mestier des armes; qu'il suyvent, qui est noble de soy mesme.'⁴⁵ Arms ennoble the man! Such was the opinion of Jean V de Bueil, count of Sancerre and admiral of France under Charles VII. Of course, this could have applied to any man at arms, fiefholder or not, and others would have agreed. In fact, it seemed only necessary to one plaintiff before the court of the duke of Burgundy in 1428 to pass 'deux fois en monstres' to establish himself as a noble. It was simply common usage, argued another, that to be 'en armée deux ou III fois' was sufficient to secure for a man the rank of noble.⁴⁶ Though the duke of Burgundy did not agree, there was apparently some truth in what they said. Jacques de Valera, ambassador from the king of Castile to the Burgundian court in 1443, assures his readers that any rustic in France who 'tienen el oficio de armas ... sin reproche' for seven years is counted a nobleman. Apparently expecting disbelief, he hastens to add that he speaks not from his own authority, but from that of 'algunas cavalleros de Francia, e asimesmo a oficiales d'armas asaz dignos de fe.' And why should it not be so, he asks, for through the office of arms 'la libertad es conservada e la dignidad acrescentada, los reinos e señoríos multiplicados. ...'⁴⁷

43 *ibid.* 9. 319-23; 27 April 1408 and 9. 472-73; 20 October 1409.

44 *ibid.* 9. 640-42; 14 October 1411.

45 Jean de Bueil, *Le Jouvencel*, ed. C. Favre and L. Lecestre, 2 vols. (Paris, 1887-89), 2. 80. But compare 2. 112-14, where Bueil would reserve the accolade of knighthood for those who are 'nobles d'antiquité'.

46 A. Bossuat, *Perrinet Gressart et François de Surienne* (Paris, 1936), p. 2 and M. Keen, *The Laws of War in the Late Middle Ages* (London, 1965), pp. 254 ff. Cf. Olivier de la Marche, *Le livre de l'advis de gaigne de bataille* in B. Prost, ed., *Traité du duel judiciaire* ... (Paris, 1872) and P. Contamine, *Guerre, état et société à la fin du moyen âge* (Paris, 1972), pp. 475-76. See also G. Chevrier, 'Les sources de la noblesse dans le comté de Bourgogne du xiv^e à la fin du xviii^e siècle', *Mémoires de la Société pour l'histoire de droit* ... 12 (1948-49) 49-94.

47 Diego (Jacques) de Valera, *Espejo de verdadera nobleza*, ed. D. M. Penna in *Biblioteca de autores españoles* 116 (Madrid, 1959), p. 91, col. 2. This work, as translated contemporaneously

In spite of such assurances, there is no evidence that the carrying of arms was anything more than a mark in one's favor if one were eventually considered for ennoblement by a prince. Counting the 'monstrances', campaigns or years through all the vicissitudes of war could scarcely be as certain nor as controlled as the single act of *annoblissement*. This could be accorded by a public accolade received from the king or by *lettres d'annoblissement* issued through his chancery. In any case, from the late thirteenth century on, it was a maxim of both Capetians and Valois that only the king might ennoble a commoner.⁴⁸ This was to be equally true of knighting a commoner, though a knight might still grant knighthood to a man of noble birth.

The legist Beaumanoir records the punishment meted out by royal authority to three knights who exercised what they thought was an ancient privilege when they, on their way to witness a legal proceeding and finding that custom required yet one more of their rank to be present, knighted a well disposed bourgeois to fill the need.⁴⁹ Heavy fines and invalidation followed immediately from the royal court. No less vulnerable were the count of Nevers and the count of Flanders when, in 1280, their ennoblement of wealthy commoners was allowed by Philip III only at the cost of enormous fines and a direct denial by *Parlement* of the count of Flanders' customary right to so ennoble.⁵⁰

Roughly contemporary with these incidents is the issuance of the first letters of nobility granted by the French monarchy of which we can be certain.⁵¹ In 1295, Jean de Taillefontaine, a clerk once freed from servitude by Philip III, was further granted the right by Philip IV to acquire noble fiefs with the privileges of nobility and the prerogative of becoming a knight whenever he wished.⁵² The reasons for Philip IV's liberality are unstated, but the letter was not issued without payment of a fee. The terse notarial style and the unrevealing formulae of the *lettre d'annoblissement* as issued by the royal chancery disappoint the historian with their

into French by Hugues de Salve, *prévôt* of Furnes, omits this passage. Cf. (pseudo-)Aristote, *Le gouvernement des princes* (Paris, 1497), which contains (23r-41r) this *Trésor de noblesse*, often entitled in manuscript *Traité de la noblesse*.

48 A. de Barthélemy, 'Étude sur les lettres d'annoblissement', *Revue historique nobiliaire* 7 (1869) 193-208 and 241-52. See also by the same author 'De la qualification de chevalier', *ibid.* 6 (1868) 1-13 and 118-32 and La Roque, *Traité de noblesse*, chap. 28.

49 Beaumanoir, § 1100.

50 P. Thomas, 'Comment Guy de Dampière, comte de Flandre, annoblissait les roturiers au xiii^e siècle', *Bulletin, Commission historique du Dépt. de Nord* (1933) 254-70. For judgments of *Parlement* see *Olim*, ed. Beugnot, 2 (1842), pp. 144, 166 and 191; French translation in *Revue du Nord* (1932) 225 ff.

51 For eleventh-century *lettres d'annoblissement* of doubtful authenticity, see La Roque, *Traité de noblesse*, p. 55.

52 The *lettre d'annoblissement* is printed in A. de Barthélemy, 'Étude', 199.

want of information.⁵³ But from the reign of Philip IV on, the number of those receiving nobility will proliferate, and to name adventurers, widows, doctors of medicine, royal servants, lawyers and musicians is only to begin to record the variety of beneficiaries of the king's grace. Exactly why any one of them attained the rank of noble is rarely clear from his letter. Such phrases as 'probitatis merita, nobiles actus, gestusque laudabiles ac virtutem insignia ...' usually sufficed as explanations, for it was unnecessary to explain in detail; it was the king's will. The *lettres* differ in little more than degree of magnanimity. One may be simply ennobled; another may receive nobility as well as his entire posterity both male and female, with the right to the *adoubement* of knighthood for males.⁵⁴ It is almost always true, however, that the letters carry with them heavy financial charges. These were usually left to royal treasurers or to the *Chambre des comptes* to determine arbitrarily, but by the time of Louis XI the payment suggested was 'le quint en rente de ce que vault ce pour quoy on veultre estre anobly.'⁵⁵

Roughly the same spectrum of generosity can be found in the *lettres d'annoblissement* of nearly any great baron during the time of the Hundred Years War, for the idea of exclusive royal right became in times of disorder more theory than fact. No better illustration of this survives than the letters and *mandements* of Jean V, duke of Brittany (1399-1442).⁵⁶ Approximately 100 ennoblements were granted by Jean c. 1426-1432 while he was vacillating between French and English allegiance and seeking to raise an army. Duke 'by the grace of God', Jean V claimed for himself the exclusive right to ennoble in his duchy.⁵⁷ Though we can find an occasional ducal secretary or *valet de chambre* ennobled for past services, the great majority were received into the ranks of nobility either in reward for their services in arms or to recruit them into the duke's army. To have 'bonne puissance tant de corps que de biens' was qualification enough to aspire to nobility under the later reign of Jean V of Brittany. For his knowledge of canonry a carpenter was ennobled; for feats of strength performed before the duke a strongman and his male heirs were ennobled if they would fight for him. If any claimed to be noble but were unable to prove it, they could fight, and 'posé que ne seroient nobles personnes', they would be ennobled without an inquest.⁵⁸ Oc-

53 It is not surprising that the successive editors of the *Ordonnances* refused to print, with the rarest exceptions, any *lettres d'annoblissement* for individuals, though the Registers of the Parlement of Paris, the *Chambre des comptes* of Paris and the *Trésor des chartes* abound with them.

54 Typical is the ennoblement of Hugues Cartier by Louis XI, June 1468, in *Ord.* 17. 98-99.

55 Pierre Choynet, *Le Rosier des guerres* (Paris, n.d. [c. 1936]), unpaginated, final page.

56 *Les lettres et mandements de Jean V de Bretagne*, ed. R. Blanchard, 5 vols. (Nantes, 1889-94) (vols. 4-8 of *Archives de Bretagne*).

57 *ibid.* 5. 219; 6. 186 and 202.

58 *ibid.* 7. 173 (no. 2290); 6. 208 (no. 1749) and 6. 205 (no. 1740).

casionally, money was enough for nobility if it was put in the service of war. Jamet Rouxeau, a *roturier* seigneur of l'isle Gaudin, was ennobled for supplying an archer to the duke any time he was needed. All these were examples to his subjects 'that they be more inclined to serve us in arms.'⁵⁹ Clearly, nobility was no longer the singular prerogative of ancient lineage. At the same time, there is no reason to believe that motives for ennoblement varied greatly among other princes of France.

Comparing royal and ducal *lettres d'annoblissement*, some features are noteworthy. There is no indication of fees being charged by the duke of Brittany for any of his *lettres*. In fact, to pacify the individual's parish for their loss of a taxpayer, the duke most often held them responsible for one less hearth tax. Further, in no instance is the right to be knighted at will expressed in the duke's *lettres*, as is so common in the royal protocols. Apparently, this could only come after the long trial of battle, if one wished it at all.⁶⁰

We are less well informed about the ennoblements by letters in other areas of France. The dukes of Normandy, Berry, Alençon and Burgundy, the counts of Champagne and Foix, all claimed with success the right of ennobling their subjects during the period of the Hundred Years War.⁶¹ It has been estimated that the Valois dukes of Burgundy issued about 100 letters from 1371 to 1476, letters reflecting the unattractive Burgundian custom of holding the family yet responsible for *impôts* and subsidies during the lifetime of its newly ennobled member.⁶² Certainly the number is small in comparison to those issued in Brittany or in the royal domain where figures are better known. From 1436 to 1461, Charles VII made over 200 personal ennoblements, whether for military or personal service. On the other hand, Louis XI, distrusting the old nobility early in his reign, created as many nobles by letters patent in two years as his father did in twenty-five.⁶³ And at least equal in magnitude were the numbers ennobled by Louis when all *roturier* holders of noble fiefs in Normandy were granted nobility in 1470. This ordinance is unusually informative and deserves attention. Louis notes

59 *ibid.* 6. 200 (no. 1729).

60 Contamine, 'French Nobility', 145 f., points to the infrequency of obtaining knighthood among the nobility in the late Middle Ages, apparently for reasons of non-noble birth or insufficient wealth.

61 La Roque, *Traité de noblesse*, pp. 93 f. For the Bordelais there is R. Boutruche's excellent *La crise d'une société: seigneurs et paysans du Bordelais pendant la guerre de Cent Ans* (Paris, 1947).

62 J. Bartier, *Légistes et gens de finances au XV^e siècle* (Brussels, 1952), p. 195 and J. d'Arbaumont, 'Des annoblissements en Bourgogne', *Revue historique nobiliaire* 4 (1866) 18-25, 57-67.

63 Du Fresne de Beaucourt, *Histoire de Charles VII*, 6 vols. (Paris, 1881-91), 3. 457, 4. 422, 5. 331, 6. 373 and Contamine, 'French Nobility', 143.

therein that he had just issued letters authorizing a search for those who owed the *droit de franc fief* in Normandy, only to meet with a protest from commoners holding noble fiefs there. It was not the usage, they said, to collect the *droit de franc fief* in their province. Rather, the fee collected should be for *lettres d'annoblissement*. Previously, they claimed, local judges inquired whether non-nobles obtaining noble fiefs within the last forty years had since received such *lettres*. If they had, a fee was charged for their *annoblissement*.⁶⁴ It should be pointed out in passing that this indicates a pattern seen less clearly elsewhere. The moneyed bourgeois, purchasing a noble fief and impatient of gradual assimilation into noble ranks, further purchased a *lettre d'annoblissement*. Reversing his decision, then, to collect the *droit de franc fief*, Louis ennobled all *roturier* seigneurs in Normandy with their posterity 'née et à naistre en loyal mariage', as long as they lived nobly, 'suivent les armes', fighting for him if necessary. A fee was due, however, for this territorial ennoblement: 47,250 *livres tournois*, to be collected 'très promptement'.⁶⁵ In a single stroke, Louis added immensely both to his armies and to his treasury. Under Louis XI, the new nobility increased in number remarkably.

Reaction to this *noblesse par lettres* could not help but be mixed. While one could rejoice that he and his family no longer had to be counted to the third generation before attaining nobility, public opinion was less than enthusiastic. Of all the ways to attain nobility, that *par lettres* was 'la moins auctorisée' according to Olivier de la Marche, the memoirist at the court of Philippe le Bon of Burgundy.⁶⁶ He was not alone in that opinion. In fact, the *nouveau anobli* might find alarming opposition to his new state in life. His community's refusal to accept the loss of a well-to-do taxpayer, or the Parisian *Chambre des comptes'* hesitation to register his *lettre d'annoblissement* might be the beginning of long and costly legal processes. We can better understand the sometimes fierce language to be found in the *lettres d'annoblissement*, and particularly during the reign of Louis XI, lest any should disturb the holder in his rights granted by the king.

Preferable to a *lettre d'annoblissement* and its occasional attendant embarrassments was a *lettre de certification de noblesse*. Claiming to be of noble lineage but unable to prove it, Simon Clabaut was accorded such a letter by Charles V in 1374, without further investigation, for a fee of 100 francs.⁶⁷ A relative of Clabaut imitated his kinsman a few months later and paid 'une somme par com-

⁶⁴ *Ord.* 17. 337-41 at 338.

⁶⁵ *ibid.* 17. 340.

⁶⁶ *Livre de l'avis de gage de bataille* (n. 46 above), p. 46.

⁶⁷ *Ord.* 6. 126-27.

position en conservant l'estat d'homme noble'.⁶⁸ And for those who had neither a *lettre d'annoblissement* nor a *reconnaissance* of nobility, there was the possibility of imposture. It must have been common. As early as 1342, Philip VI insisted that all *lettres d'annoblissement* be recorded with the Parisian *Chambre des comptes* because of the number of fraudulent *lettres* that had come to his attention.⁶⁹ Other monarchs, for the purpose of obtaining larger taxes, instituted timely inquests to determine in any locality who were truly noble. If they presented to royal baillifs or seneschals proper *lettres*, or lacking those, if they had 'exercé faitz de nobles et se sont portez pour nobles' for as long as men remembered, they would be accepted as noble.⁷⁰

Equally promising as an approach to ranks of nobility was the possession of public office in towns favored by the monarchy. Inaugurated by Charles V and imitated by Louis XI, the policy of ennobling a mayor, his *échevins* and occasionally the town counselors, was applied first to Poitiers (1372)⁷¹ and La Rochelle (1373)⁷² and subsequently to Niort (1461),⁷³ Tours (1462),⁷⁴ Bourges (1473),⁷⁵ Angers (1475),⁷⁶ Saint-Jean d'Angely (1481),⁷⁷ Arras (1481),⁷⁸ Le Mans (1481)⁷⁹ and Lyon (1495).

68 *ibid.* 6. 127. Examples exist from other reigns. Cf. *ibid.* 17. 174-75.

69 *ibid.* 2. 175.

70 *Le songe du vergier* in *Traitez des droits et libertez de l'Église Gallicane*, ed. J. Brunet, 2 vols. (Paris, 1731), 1. 185.

71 *Ord.* 5. 563-64 and R. Favreau, 'La condition social des maires de Poitiers au XV^e siècle', *Bulletin philologique et historique* (1961) 161-77. For town history in France generally, see P. Dollinger and others, *Bibliographie de l'histoire des villes de France* (Paris, 1967); H. Sée, *Louis XI et les villes* (Paris, 1891); F. Bluche et P. Durye, *L'annoblissement par charges avant 1789*, 2 vols. (Paris, 1962) and A. Giry, *Les établissements de Rouen*, 2 vols. (Paris, 1883-85).

72 *Ord.* 5. 575-76 and Giry, *Les établissements* 1. 54-64. For the ennoblement of Paris by Charles V, see n. 37 above.

73 *Ord.* 15. 219-21. See also C. Augier de la Terraudière, *Thésor des titres justificatifs des privilèges et immunités, droits et revenus de la ville de Nyort* (Niort, 1675; 2nd ed., Niort, 1866) and H. Proust, 'La noblesse d'eschevinage à Niort', *Bulletin, Société de statistique, sciences, lettres et arts du dépt. de Deux-Sèvres*, 2nd Ser., 5 (1882-84) 440-54.

74 *Ord.* 15. 332-41. See also J. Chenu, *Privilèges de la ville de Tours* (Paris, 1620); B. Chevalier, 'Les officiers municipaux à Tours entre 1419 et 1462', *Bulletin de la société archéologique de Touraine* 32 (1957) 53-77 and G. Collon, 'Pierre Bérard et la réforme municipale de Tours en 1462', *Mémoires, Société archéologique de Touraine* 53 (1928).

75 *Ord.* 18. 20-25. Cf. *ibid.* 15. 649-50 and J. Chenu, *Privilèges octroyez aux maires et eschevins, bourgeois et habitants de la ville et septaine de Bourges ...* (Paris, 1603).

76 *Ord.* 18. 86-98 and René Robert, *Recueil des privilèges de la ville et mairie d'Angers* (Angers, 1748).

77 *Ord.* 18. 69-93.

78 *ibid.* 18. 643-70.

79 *ibid.* 18. 749-56. Bluche, *L'annoblissement* 1. 31, would have it without documentation that the right of municipal nobility was revoked in July 1483. This is unlikely, however, considering that the town's privileges were confirmed by both Charles VIII and Louis XII. See *Ord.* 20. 99 and

Typical in format is the ordinance of ennoblement of the *corps de ville* of Poitiers. For their 'très grand loiaulté et obéissance, ... très bonne volonté et affection' to the crown of France, Charles V ennobled the mayor, the twelve *échevins* and twelve counselors, as well as their descendants of both sexes. Those masculine could receive the ceinture of knighthood, and any could acquire noble fiefs which included the right of dispensing justice; this without the necessity of paying the *droit de franc fief*. Beyond that, the mayor, *échevins* and counselors were entitled to all rights, privileges, immunities and usages that knights and nobles enjoyed throughout the realm.⁸⁰ One may well wonder why Charles chose to create of a sudden twenty-five new noble families in Poitiers and twenty-five again at La Rochelle the next year, while Louis XI, in twenty years' time established a total of 169 families as newly ennobled civic functionaries at Niort, Tours, Saint-Jean d'Angely, Bourges, Arras, Le Mans and Angers.⁸¹ With vacancies and new elections, the numbers would of course continue to grow.

Charles V's motives are not far to seek. The ennoblement of the *corps de ville* of Poitiers, bestowed at the very moment of an English invasion, was the price of loyalty. For La Rochelle, of even more importance strategically and commercially considering its excellent harbor, the privilege of ennoblement was only one of many. Remission of all past crimes, even lèse-majesté, release from all imposts and from taxes on the town's goods sold throughout the kingdom, confirmation of all past privileges: these were only a few of the favors shown by Charles to a town the defection of which would have been critical for France.⁸²

Louis XI's reasoning was more complex. For him, military considerations were only one of a number of motives for ennobling town governments. The anticipation of making Tours a royal residence or the supposed location of the head of St. John the Baptist at Saint-Jean d'Angely may have been for Louis as much an inducement to honor these towns as their sometime perseverance against the English. Furthermore, Louis was accessible. The town officers of the Poitevin port of Niort, able to cite only their 'bons et grands services' in the past, yet obtained the same privileges for the asking that neighboring La Rochelle and Poitiers had received in more difficult circumstances.⁸³ At the same time, ennoblement suggested itself as a political safeguard. Louis commonly established a

21. 176. The last civic ennoblement of the fifteenth century, that of Lyon, is recorded in the *Ordonnances* only by its title (20. 492).

80 *ibid.* 5. 563-64.

81 Niort, Tours and Saint-Jean d'Angely followed the pattern of municipal government of Poitiers and La Rochelle. Bourges, Arras and Le Mans were governed by a mayor and twelve *échevins*, while Angers had a mayor, eighteen *échevins* and thirty-six counsellors, all ennobled.

82 *ibid.* 5. 571-75.

83 *ibid.* 15. 219-21.

town nobility to counter any dangerous anti-royalist sentiment he suspected therein. His method was simple. Ascertaining who among the influential townspeople were pro-royalist, Louis saw to it that they were rewarded with appointments of nobility. Certainly this is true of his ennoblement of the town officers of Bourges and Arras. In each instance, Louis forced upon the townsmen not only a new nobility but a new form of government as well. Prior to its rebellion in April 1474, over the levying by the king of a heavy subsidy for the town's defense, Bourges was governed by four *prudhommes* elected annually. These, and, for Louis, a disagreeably democratic general assembly of the townspeople, decided all important matters of civic policy. It would be otherwise after the ordinance of June 1474, by which, for 'certaines grandes causes et considerations', Louis founded the offices of mayor and 12 *échevins*, each of which was filled annually by Louis himself.⁸⁴ The emollient of nobility attached to these offices and to the incumbents' families would, he hoped, make certain an unswerving loyalty amongst a once refractory civic government.

The case of Arras is little different. The reward for its rebellion of July 1481 would be much the same as that of Bourges, although here Louis attempted to repopulate the town entirely, even thinking, though unsuccessfully, to rename it 'Franchise'. And, reflected Louis, since 'toutes assemblées générales ... sont aucunesfoiz de dangereuse conséquence ...', there would be none without approval by royal officers.⁸⁵ The newly founded and ennobled *corps de ville* would be quite sufficient as representatives of the governed. Resentment at such cavalier abolition of ancient civic institutions was only natural, but defiance of the royal ordinances was for the time being impossible. It was not until the reign of Charles VIII that Bourges would, with royal consent, revert to its traditional form of government.⁸⁶

There were reasons, too, why even the ennobled officers of other towns might have second thoughts about the king's grace, for little else was served besides their vanity. A second glance at the ordinances of ennoblement revealed unexpected limitations to their pretensions of aristocracy. Unless they 'lived nobly', serving in the king's armies whenever he had need of them, the *noblesse de cloche*, as these town officials were called, would have to pay taxes! At Angers, whatever one's estate, he would pay for 'charges et affaires communs'. The town officials at Le Mans and the *échevins* at Tours would in any event have to pay subsidies for their city's fortifications. At Arras, however, to be ready to serve in

⁸⁴ *ibid.* 18. 21. A typical career is that of Pierre Bérard. See n. 74 above.

⁸⁵ *ibid.* 18. 648.

⁸⁶ *ibid.* 19. 268. Bluche, *L'annoblissement* 1. 29, claims without documentation a similar reversion for Arras. I am unable to substantiate this.

arms was unnecessary. Even to 'marchander en gros et en détail, tenir boutiques et ouvrouers ...' was permitted to the new nobility.⁸⁷ Further, in no case that we know were the civic nobility allowed to divide their estates among their heirs as nobles might.⁸⁸ They must still inherit equally through the third generation. Impediments more public than these to popular acceptance as members of the noble class would be difficult to imagine. And by the late fifteenth century, exemption from all *bans* and *arrière-bans* was a concession that was slender at best. The rank of the *noblesse de cloche*, then, was suspect not only to their fellow townsmen, but to royal officers and to the *Chambre des comptes* of Paris as well. The registers of the *Parlement* and the *Cour des aides* of Paris are constant witnesses to the efforts of the new nobility to attain what they had thought was theirs, and particularly prerogatives regarding tax exemption. The reaction of the *Chambre des comptes* to Louis XI's first town ennoblement is indicative. Remonstrating with Louis, they registered Niort's letter only after receiving a direct command from the king.⁸⁹ Nor is there any evidence that the military nobility were of a more generous mind. It would not be until the sixteenth century that the civic nobility of Poitiers, for example, was allowed to sit in the assemblies of the *noblesse* of Poitou.⁹⁰ The phrase, constantly recurring in the ordinances of ennoblement, that mayors and *échevins* would enjoy 'all privileges, rights, immunities, customs, liberties and usages' to which all other nobles of the realm were accustomed was hollow indeed.

The effects of an ennobled *corps de ville* over a period of time invite speculation. That a moneyed bourgeoisie, eager to establish itself among the nobility, should purchase its way by loans and favors to ennobling appointments in town government is not surprising. There is irony, however, in a common willingness to accept near impoverishment by abandoning profitable commercial activities and retiring to some rural property, there to escape taxation by imitating the rude, bucolic life of the military nobility. Only Louis XI foresaw this danger and only then imperfectly. It was likely that he had this in mind when he encouraged the ennobled town officers of Arras to 'marchander en gros et en détail', or when he insisted that 'chacun qui voloit user de merchandise le peust faire ... sans desroguer à noblesse':⁹¹ an attitude which neither society nor later

87 *Ord.* 18. 651.

88 Bluche, *L'annoblissement* 1. 35, claims without documentation the unlikely right to bequeath nobly for the *corps de ville* of Saint-Jean d'Angely.

89 *Ord.* 15. 324. Further, see E. Dravasa, "'Vivre noblement". Recherches sur la dérogeance de noblesse du XIV^e au XVI^e siècle', *Revue juridique et économique du Sud-Ouest, sér. juridique* 16 (1965) 135-93, 17 (1966) 23-113 and printed separately, for résumés of typical court cases.

90 Favreau, 'La condition social', 163.

91 Cited by P. Imbart de la Tour, *Les origines de la Réforme*, 2nd ed. (Melun, 1948), p. 399. See also G. Zeller, 'Procès à reviser? Louis XI, la noblesse et la marchandise', *Annales: économies, sociétés, civilisations* 1 (1946) 331-41.

monarchs would share. But, as we have seen, Louis inconsistently submitted other ennobled *corps de villes* to taxation. A consequence of the creation of the *noblesse de cloche* was, then, the loss of wealthy taxpayers to the countryside and a decline of commercial activity in the ennobled towns. A knowledge of the exact degree to which these factors had effect has so far eluded the historian, but it was clear enough to Louis XIV, who, for these same reasons, annulled the ennoblement of the town governments of Poitiers, Niort, Bourges, Angoulême, Tours, Abbeville and Cognac in 1667.⁹²

If assimilation among the older nobility by holding civic office resembled at times a labor of Hercules, there were yet other ways to *parvenir*. In the service of the prince, writes La Marche in 1494, is the surest beginning of nobility.⁹³ It had not always been so. Among the servitors or lesser office holders of the crown before the fourteenth century, possession of privileges which could be called noble were rare. Otherwise, exemption from minor *impôts* and freedom to sell produce from their lands without taxes were typical of the few prerogatives of the officers of the *Chambre des comptes*, the *Parlement* of Paris and the *Maison du roi* prior to the reign of Charles V. Then, 'lest it become burdensome to serve the crown', Charles conceded remission of all taxes and subsidiaries to the officials of the *Chambre des comptes* for the period of his reign.⁹⁴ Though not a grant of nobility, it was a grant of an important noble right, and a beginning in the accumulation of privileges which would culminate by the early sixteenth century in the *annoblissement* of the *maîtres ordinaires* of the *Chambre des comptes* of Paris. Their history is certainly more typical for other royal functionaries than the sudden elevation to nobility of the *sergens d'armes* in the service of Charles VI,⁹⁵ which was probably an effect of the king's desperation to assure himself of a loyal corps of officers in the face of both civil war and foreign invasion. They would be disbanded in 1453.

'Do you not know,' wrote the dauphin Louis in 1448, 'that the [royal] officers and servants ... are free from all taxes and subsidies throughout the realm?'⁹⁶ The town of Lyon, which was attempting to tax one of its residents, a royal

92 The municipal government of Angoulême was ennobled in 1507; that of Cognac in 1451. J. Bloch, *L'annoblissement en France au temps de François I* (Paris, 1934), pp. 110-17, following the early eighteenth-century historian La Roque, *Traité de noblesse*, chap. 39, claims ennoblement for Abbeville in 1476, for Cognac in 1471, for Saint-Maixent in 1444, and for Toulouse in 1471. Bluche, *L'annoblissement* 1. 35, also without documentation, claims nobility for the *capitals* of Toulouse since 1420, though this in fact was not granted until 1547 by Henry II. See A. Viala, *Le Parlement de Toulouse et l'administration royale laïque (1420-1525)*, 2 vols. (Albi, 1953), 2. 191.

93 de la Marche, *Le livre*, p. 45.

94 *Ord.* 7. 60.

95 *ibid.* 9. 541-43 (September 1410).

96 *Lettres de Louis XI*, ed. J. Vaesen, 11 vols. (Paris, 1883-1909), 1. 36-37.

physician, should have known, since it had been the custom of the crown since 1411 to exempt the retainers of the *Maison du roi de la reine et du dauphin* from *tailles*, and since 1425 to exempt them from *aides*, *impôts* and subventions as well. Even the royal painters and glaziers could claim these honors.⁹⁷ And again, by the time of Francis I — exactly when no one knows — at least the *chefs d'office* of the *Maison du roi* could claim without contradiction the rank of nobility.

It is the *clercs notaires* and royal secretaries about whom the chance survival of records allows us to know most. Their privileges exceeded those of all others in the king's service. Nor should it have been otherwise, in the opinion of Louis XI, considering that the office in France was as old as the time of Clovis and that the very Evangelists had been notaries themselves! Freedom from tolls, guard duty, the expenses of town, fortress and bridge repair; exemption from the levying of troops; exemption from the lodging of soldiers — from giving any military aid at all, in fact: these, as well as immunity from all taxes, *aides*, subsidies and subventions begin Louis' account, in 1482, of the liberties of their *collège*. They might hold noble fiefs without paying the *droit de franc fief* and their widows may enjoy all their rights after them.

As for the office itself, it could be held for life. Indeed, it might become hereditary, since the incumbent could resign his post to a son or son-in-law. Only a serious crime might bring one's tenure to an end, and with it the promise of a life's pension. If this were not enough, the office of *clerc notaire* and royal secretary was to be the single avenue by which one might obtain a post in the *Chambres des comptes*, *des requêtes* and the royal treasury.⁹⁸ The final good fortune of the *Collège des clercs notaires et secrétaires du roi, de la couronne et de la maison de France* would be the reception of Louis XI himself as one of its members.⁹⁹ What is curious is that Louis should have omitted one last grace, the gift of nobility itself. In spite of the liberality of his ordinance which presents a veritable catalogue of noble privileges, not a word is said of noble state. If one asks the larger question why such advantages were conceded at all, certainly the florid rhetoric of the ordinance reveals little of Louis' secret meaning. Perhaps there is an answer, at least in part, in the judgment of his biographer, Philippe de Commynes, who pictured Louis as 'most painful and indefatigable to win over any man to his side that he thought capable of doing him either mischief or service ..., presenting him with such sums and honors as he knew would gratify his

⁹⁷ *Ord.* 9. 683-84, 13. 84-87 and 160-61.

⁹⁸ With the growing bureaucracy of Louis XII and Francis I this was no longer true. Ennoblement developed in these last three offices by 1519 (*ibid.* 20. 428 and Bloch, *L'anoblissement*, pp. 110-17).

⁹⁹ *Ord.* 19. 62-79.

ambition.¹⁰⁰ In any case, it took little imagination, two years later, for the regency government of the Beaujeus to remedy this oversight and create the *clercs notaires et secrétaires du roi* 'nobiles ac pares Baronum', granting nobility to their posterity of either sex, with the right to the *adoubement* of knighthood for those male 'just exactly as if they were nobles of ancient lineage.'¹⁰¹

In contrast, the *Parlement* of Paris was much less favored by royal authority. Scattered by the successive occupations of Paris by Armagnac and Burgundian forces at France's very nadir of the Hundred Years War, ignored for the most part by Charles VII and despised by Louis XI, the history of the *Parlement* of Paris in the late Middle Ages is sombre indeed.¹⁰² Not until the advent in 1483 of the Beaujeu regency, which feared to add a disappointed *Parlement* to its enemies, did an amicable relationship develop between the sovereign court and the crown. Then we can speak of a progress toward noble status that the dearth of early privileges scarcely foretold. An occasional exemption from *aides* in the wars with the English, dispensation from salt taxes, the ability to sell the produce of their lands without tax; these and release from the *ban* and *arrière-ban* exhaust the list of immunities of the members of the *Parlement* of Paris in the fifteenth century. Yet, the maxim held true: to serve the prince did ennoble. By the beginning of the reign of Francis I, counselors, advocates and procurers-general of the *Parlement* of Paris were recognized as noble if their families had held such offices for three generations.¹⁰³ The same would be true for the other sovereign courts of Toulouse (founded 1302), Grenoble (1453), Bordeaux (1462), Dijon (1477), Rouen (1499) and Aix (1501).¹⁰⁴

None of these provincial courts has repaid study by offering significant material toward the history of the rise of a new nobility, with the single exception of the *Parlement* of Dauphiné, seated in Grenoble. There, by means of the counselor Gui Pape's collection of *arrêts*, or judgments, of that *parlement* from the years 1455-1467, we can assess the extraordinary pretensions of its members to the rank of noble.¹⁰⁵ As early as 1416, thirty-seven years before the *Cour de*

100 *The Memoirs of Philip de Commines*, trans. A. Scoble, 2 vols. (London, 1855-56), 1. 59 (book 1, chap. 10).

101 *Ord.* 19. 473-75.

102 See F. Aubert, *Histoire du Parlement de Paris*, 2 vols. (Paris, 1894); E. Maugis, *Histoire du Parlement de Paris*, 3 vols. (Paris, 1914-16) and G. Ducoudray, *Les origines du Parlement de Paris* (Paris, 1902). More recent, with a specialized bibliography, is F. Lot, *Histoire des institutions françaises au moyen âge* 2 (Paris, 1958), pp. 332 ff., and J. H. Shennan, *The Parlement of Paris* (London, 1968).

103 The president of the *Parlement*, on the other hand, was always regarded as noble (Bloch, *L'anoblissement*, pp. 110-17).

104 Lot, *Histoire* 2. 472 ff.

105 Gui Pape, *Decisiones Parlamenti Dalphinalis*, with over forty printings between 1490 and

Justice of Grenoble became a sovereign court or *parlement*, its advocates were accorded exemption from *tailles* and *impôts populaires*. This was true as well for its doctors of law. In as much as they knew the law and practiced it, they lived nobly! Moreover, their nobility was heritable. As of 1461, widows and children of an advocate or doctor of law shared the nobility of their husband or father.¹⁰⁶ The reason was obvious enough to the *parlement* which handed down these decisions. If combat ennobles, it was argued, so too does knowledge.¹⁰⁷ No cavalier ever fought more effectively with his sword than the advocate with his knowledge of the law. Indeed, one might call them *chevaliers ès loix*. This term, which advocates at the *Parlement* of Paris found congenial enough to imitate by 1506,¹⁰⁸ had less substance to it than show. Unless associated with real political authority, it could only have been ornamental. Though the existence of a *chevalerie ès loix* has been dismissed as a myth by some historians, or as an overly generous interpretation of certain passages of the Justinian code,¹⁰⁹ it is not surprising, on looking more closely, to find in this *pays de droit écrit*, where the tradition of Roman law survived more strongly than in the north, that there was some ground for an affectation of *noblesse*. The eminent juriconsul Bartolus of Saxoferrato (d. 1357) had remarked on the ancient Roman usage of granting the title of count to doctors of law who had practiced their profession for twenty years or more in his consilium *De dignitatibus*.¹¹⁰ And though widely read,¹¹¹ this passage from his work escaped favorable comment or citation in the literature of northern France until well into the sixteenth century. For the time being, it carried less than conviction in the *pays de droit coutumier*.

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1667; abridged in French by N. Chorier, *La jurisprudence du célèbre conseiller et juriconsulte Gui Pape* (Lyon, 1692; 2nd. ed., Paris, 1769). See also, L. Chabrand, *Étude sur Gui Pape* (Paris, 1912). Cf. R. Fédou, *Les hommes de loi lyonnais à la fin du moyen âge* (Paris, 1965) and B. Guenée, *Tribunaux et gens de justice dans le baillage de Senlis à la fin du moyen âge* (Strasbourg, 1963).

106 Pape, *ibid.*, qu. 88, 388, 389.

107 Insistence upon knowledge as ennobling among lawyers and doctors of medicine was as common as it was unconvincing. See M. Planiol, ed., *La très ancienne coutume de Bretagne* (Rennes, 1896), pp. 417-18; L. Caillet, *Étude sur les relations de la commune de Lyon avec Charles VII et Louis XI* (Lyon-Paris, 1909), p. 273 and Coluccio Salutati, *De nobilitate legum et medicinae*, ed. E. Garin (Florence, 1947).

108 La Tour, *Les origines*, p. 451; R. Cazelles, *La société politique et la crise de la royauté sous Philippe de Valois* (Paris, 1958), pp. 292-93.

109 *Cod.* 2.6.7 and 2.7.14, with which the advocate Jean Bouteillier in his *Somme rurale* 2.2. (c. 1390) makes considerable play.

110 A commentary on *Cod.* 12.1.1. in *Opera omnia*, 11 vols. (Venice, 1590-1602), 8. 46v-47r.

111 The compilers of the *Songe du vergier* had read and borrowed from it. So too, over a century later, had Symphorian Champier, Josse Clichtove and W. Rolewinck, to name only a few.

We noted earlier the reaction of the old military nobility to the seeming invasion of their ranks by wealthy parvenus. If they denied easy access to their estate by insisting on descent from a noble father and equated nobility with the capacity to attain knighthood, all the same it would be the monarchy which would in time govern entry into the nobility by any means other than birth. To be sure, the usage of *roturier* inheritance and the *droit de franc fief* would be irritating reminders of commoner origins, but even these could be abrogated by a gesture from the throne. The old nobility might insist that 'l'homme nouvel fault trop de choses avant ce qu'il soit pareil ... à ceulx des anciens lignages',¹¹² or warn of 'toute division, ... guerre et ... rebellion';¹¹³ but what could the military nobility do with any effect other than withdraw into their confreries or military orders, like Louis de Bourbon's *Ordre de l'Écu d'or* (1363) or René of Anjou's *Ordre du Croissant* (1448) which excluded all but knights 'd'ancienne chevalerie et gentilhomme de ses quatre lignes'?¹¹⁴ With what suspicion might the old nobility, and particularly the greater among them, have learned of the statutes of Louis XI's new *Ordre de Saint Michel* (1469) which granted precedence among its members depending upon the date of entrance into the order, 'sans ... regard à noblesse de lignaige, grandeur de seigneuries, offices, estaz, richesses ou puissances'!¹¹⁵ And with what ease they might enter, if only they would, Louis was quick to reveal. The noble paladin suddenly found himself and his ideals in danger of being absorbed into the royal orders of chivalry with their dominant idea of allegiance to the prince. Nor, in all probability, was this avoidable, considering what has been called the 'banditisme nobiliaire' of fourteenth- and fifteenth-century France. The long deterioration of public confidence in the military nobility, and particularly in its leadership, which seemed preoccupied in serving its own ends throughout the Hundred Years War as well as during the *Praguerie* (1440) and the *Guerre du Bien public* (1465), could not help but redound to the advantage of a monarchy which promised security and peace.

At the same time, we should avoid the exaggeration of interpreting the development of a new nobility as a well planned conspiracy on the part of the crown to enfeeble a dangerous military class. It is difficult to see in the monarchy's allowing commoners to hold noble fiefs any more subtle a reason than that it would provide a means of filling the royal coffers by invocation of the *droit de*

112 G. de Lannoy, *Oeuvres*, ed. C. Potvin (Louvain, 1878), p. 371.

113 *Songe du vergier* I. 192.

114 *La chronique du bon duc Loys de Bourbon*, ed. A. Chazaud (Paris, 1876), pp. 8-13; *Oeuvres du roi René*, ed. le comte de Quatrebarbes, 4 vols. (Angers, 1845), I. 51-79. Cf. F. Menestrier, *De la chevalerie ancienne et moderne* (Paris, 1683), reprinted in C. Leber, *Collection des meilleurs dissertations ...* 12 (Paris, 1838), pp. 9-364 at 194.

115 *Ord.* 17. 236-55 at 242.

franc fief. That this should open the way to nobility to commoners of wealth was, at least before the reign of Louis XI, quite incidental. Neither too was the *an-noblissement* of town officers more than an expedient born of necessity during the Hundred Years War and turned at times during the reign of Louis XI into a means of suppressing civic governments of too independent a mind. It would seem that only in consequence of Louis' real fear of the military nobility upon his ascension to the throne in 1463 was there a conscious attempt to create some fragment of a new nobility to counter the old. Even this was temporary, however, and Louis did not use all the means at his command. Though *lettres d'an-noblissement* were issued lavishly the first years of his reign, he left it to his successors to grant a blanket nobility to offices serving the crown. And he was much more sparing than he might have been in creating new and ennobled *corps de ville*. Why such obvious choices for the honor as Orléans, Toulouse, Lyon and Dijon were passed over by Louis we shall probably never know.

But it did not matter. In all likelihood Louis XI perceived the near bankruptcy, if not of the old nobility, certainly of their leadership in the persons of the duc de Berri, the comte de Saint-Pol, the duc d'Alençon — 'silly Alençon' — and Charles of France. It was an ironic symptom of the old nobility's poverty of resource that when presenting their *cahier* of grievances at the Estates-General of 1484 they could think only of pleading for confirmation of their privileges and complaining of their lack of preferment in the king's service.¹¹⁶ By the end of the fifteenth century there could be little doubt: 'la noblesse consiste et demeure en la plaisance du prince.'¹¹⁷ It remained only that this sentiment be translated into law. And this Louis XII promulgated in 1498, whereby, 'en signe de souveraineté', he reserved to the royal power the right of ennoblement 'par édit perpetuel et irrévocable'.¹¹⁸ Recognition of this prerogative in the legal literature of later reigns would become a commonplace.¹¹⁹

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116 F. Isambert, *Recueil général des anciennes lois français ...*, 29 vols. (Paris, 1821-33), 11. 37 f.

117 Diego de Valera, *Traité de la noblesse* (Paris, Bibl. Nat. MS. Fr. 1280, fol. 22v).

118 *Ord.* 21. 191, art. 70.

119 See, for example, B. Cassanaeus, *Catalogus gloriae mundi* (Lyon, 1539), pars 8, 'Nobilitas' and A. Tiraqueau, *De nobilitate ...* (Paris, 1549). More generally, see Bloch, *L'anoblissement*.

THE DISTRIBUTION OF LANDED WEALTH IN THE WILLS OF LONDON MERCHANTS 1400-1450

John M. Jennings

EVERY man and every society has its priorities, certain concerns which occupy them more than others. It is always difficult to ascertain clearly and completely what these aspirations and interests are, and the further we are removed from the individual or society in question the more difficult this task becomes. An effort has been made by W. K. Jordan to describe the aspirations of English society in the years between 1480 and 1660.¹ Professor Jordan presents a picture of changing aspirations, as concerns which were prominent in 1480 tended to give place to other aims in the course of the period.² The reasons for the changes in aspirations during this period are obviously complex. At the same time, however, Professor Jordan emphasizes the effects of a change in values which occurred during the Reformation and which allowed non-religious or secular concerns to grow in prominence.³

This study will examine the aspirations of a group of persons living prior to the period looked at by Jordan, and will point out that many of the aspirations which Jordan regarded as growing in prominence after 1540 may already be clearly seen in the fifteenth century. The study is based on the disposition of landed wealth by London citizens in the years between 1400 and 1450 as revealed in the wills enrolled in the Court of Husting, London.⁴ From the bequests in

1 W. K. Jordan, *Philanthropy in England, 1480-1660* (London, 1959); *The Charities of London, 1480-1660* (London, 1960).

2 Jordan, *Philanthropy*, appendix, tables I, XI (pp. 368, 385-87).

3 *ibid.*, pp. 15-17. J. A. F. Thomson accepts the picture that Jordan presents of the change in aspirations, but is reluctant to ascribe this to a change in religious values. He feels that it was not so much the values as the social requirements that changed. Thus it was not the religious change of the Reformation that was the main cause of the shift in the pattern of aims, but the rise of new needs in society which were relatively unconnected with the religious realm of life; cf. 'Piety and Charity in Late Medieval London', *The Journal of Ecclesiastical History* 16 (1965) 178-95.

4 *Calendar of Wills Proved and Enrolled in the Court of Husting, London, 1258-1688*, ed. R. R. Sharpe, 2 (London, 1889). The Court of Husting acted as court of probate in London for wills which devised land, and a writ of Edward II in 1315 refers to the situation as a custom of the city;

these documents a picture should emerge of what the citizens of London during the first half of the fifteenth century regarded as the needs of society and how they moved to respond to these needs. In addition, it will be seen that the evidence from these wills seems to indicate that the pre-Reformation period was very much concerned with what Jordan would describe as secular ends,⁵ although the men of the time did not bother to distinguish between secular and religious aims, a lack of distinction causing much difficulty for the modern reader.

In order to determine the aspirations of a man, there is probably no better place to look than his will. The man drawing up his will is freed from many of the family and personal restrictions and needs that determined the disposition of his wealth before his death. It must be emphasized that this was a limited freedom and that there were still responsibilities to be considered even when the man was on his deathbed at the time of making his will.⁶ Taking into account the restrictions of family and debts,⁷ however, the man making his will was freed from at least the limitations of life which flowed directly from his own needs. As a result, the will provides us with a relatively unfettered expression of men's values.

In London, the wills of citizens were probated at the Court of Husting and then enrolled there for a 'reasonable fine'⁸ as insurance against future disputes. It

cf. *Calendar of Wills* 1 (London, 1889), pp. xlii-xliii; *Calendar of Letter-Books Preserved among the Archives of the Corporation of the City of London at the Guildhall*, ed. R. R. Sharpe, E (London, 1908), p. 55. For a treatment of the probate of wills see M. M. Sheehan, *The Will in Mediaeval England* (Toronto, 1963), pp. 196-211.

5 Jordan, *Philanthropy*, p. 17. In this regard, Professor Jordan's works have been commented upon by a number of reviewers; see for example G. R. Elton in *The Historical Journal* 3 (1960) 91 and L. Stone in *English Historical Review* 77 (1962) 328.

6 In general it might be said that the closest thing to total freedom of devise belonged only to the man who was without wife and children, otherwise he could claim the right over only one half or one third of the property after debts (F. Pollock and F. W. Maitland, *The History of English Law* 2 (Cambridge, 1952), p. 348; W. Holdsworth, *A History of English Law* 3 (London, 1942), pp. 550 f.). It should be noted that the portion of land which a man was obligated to leave to his wife was really only a delay in disposition since the demand the wife had was for a life tenancy which would free the land for further devise after her death (A. W. B. Simpson, *An Introduction to the History of the Land Law* (Oxford, 1961), p. 65; Holdsworth, *ibid.* 3.193). Examples of such provisions abound in the wills enrolled at the Court of Husting, e.g. William Kelleseye, William Brynchele and Thomas Exton (*Calendar of Wills* 2.405, 355, 447).

7 Stipulations with regard to debts are relatively rare in the wills of land enrolled in the Court of Husting. One example is contained in the will of Walter Aylewyn dated 20 August 1406, which directs the proceeds from the sale of certain houses and shops be used to pay debts as well as legacies (*Calendar of Wills* 2.381). See also the wills of Robert Odyham (1414) and William Turnell (1418) (*Calendar of Wills* 2.407, 417). The general practice appears to have been to try to pay the debts from the movable property rather than from the landed estate.

8 *Calendar of Letter-Books* K p. 181. The reasonable fine, apparently 2s 8d in 1434, was doubled to 5s 4d in 1444 (*ibid.*, p. 292).

is these enrolled wills as calendared by R. R. Sharpe that serve as the core of this study.⁹ Two considerations had to be kept in mind as far as a method of dealing with this material was concerned. In the first place there had to be consideration of the end intended, that is the determination of the interests of the testators. Secondly, the limitations of the sources themselves had to be kept in mind. Most important among these limitations was the manner in which the property in the wills was designated. The property which was bequeathed in the wills was almost never described in detail, and the usual manner of designating the holding was by means of the parish in which it lay. In some instances a street might be mentioned¹⁰ or the type of buildings might be indicated.¹¹ At times we are also given the name of the holding in addition to its location as in the case of John West-yerd who left tenements called 'La Rose' near Dicerslane and John Duk who left tenements called 'Le Tabard on the hoop', 'Le Crane on the hop' and 'Le Newe Taverne'.¹² In no case, however, is the full value of the property expressed in the enrollment.

The result of these two considerations has been the choice of an approach to the material that lies somewhere between the method of W. K. Jordan and that of J. A. F. Thomson.¹³ In his study Jordan attempted to assign a value to the bequests involved; this left an impression of an accurate and detailed account, and he was the first to admit the dangers arising from such a procedure.¹⁴ On the other hand, Thomson decided that in order to determine what the popular attitudes were toward the various benefactions, it was not necessary to use the method of Jordan and to assign a cash value to the bequests. The number of persons giving to a particular end is sufficient to discover this and it avoids the problems of unvalued gifts and fluctuations in prices.¹⁵

Having taken into account the approach of both scholars, the method adopted for this study has been to ignore completely any attempt to place a value on the bequests, but at the same time to go beyond Thomson's procedure of counting the number of persons who gave to a specified end. In lieu of this, an effort has been

9 *Calendar of Wills* 1 and 2.

10 John Penne in a will dated 1426 bequeathed lands and tenements at the corner of Walbrook (ibid. 2.471).

11 Thomas Knolles, sr. leaves to his son certain lands and tenements, certain houses, shops, and warehouses; cf. E. F. Jacob, ed., *The Register of Henry Chichele* 2 (Oxford, 1938), p. 526.

12 *Calendar of Wills* 2.434-35, 429.

13 Thomson, 'Piety and Charity', 178-95.

14 Jordan, *Philanthropy*, pp. 31-35. Several reviewers have criticized Professor Jordan for his failure to take into account the inflation of the sixteenth century, namely L. Stone in *History* 44 (1959) 257-60, D. C. Coleman in *Economic History Review* 13 (1960) 113-15, G. R. Elton in *The Historical Journal* 3 (1960) 89-92.

15 Thomson, 'Piety and Charity', 181; Jordan, ibid., pp. 34-35.

made to total up the individual bequests themselves. Thus, if a testator leaves more than one bequest to a designated purpose, the number of times is noted. It is hoped that while this manner of dealing with the material does not give the same detailed picture that emerges from Jordan's study, it does avoid many of the pitfalls that both Jordan and his reviewers pointed out. Moreover, the counting of the bequests, rather than the persons who gave to a particular end, as Thomson did, should give a picture of testator interests that is relatively close to the actual situation.

It should be noted that in counting the bequests recorded in the wills, two types emerged; the first type is referred to as the primary bequests, the second as the secondary bequests. Primary bequests are those which represent the will-maker's first choice of ends, those which he hopes will be carried out according to the conditions he sets forth. In some cases, however, there is a danger that the bequests will not be as effective as he wishes them to be. In such instances, many of the testators provide alternatives or secondary bequests which are to take effect if the primary ends are not attained.

The most common reason for setting out an alternative to a bequest appears in those benefactions to which is attached a number of conditions particularly regarding prayers or other religious obligations. Thus, Thomas Gippyng (1413) left certain tenements to the rector and wardens of St. James de Garlekhythe for funeral expenses, an obit and other pious and charitable uses, but felt compelled to include an alternative. If the rector and wardens failed to fulfill the stipulations of the will, the property would then go for a chantry in the church of St. Peter in Great Missenden.¹⁶ Such failure to comply with the conditions of the benefactions could flow from the inactivity of the beneficiaries or from such things as the law against mortmain gifts. There are a number of examples of testators who feared that a bequest would not take place due to the laws of mortmain and who consequently arranged for alternative beneficiaries.¹⁷

Whatever the anxiety that impelled a man to provide an alternative, it seems that there was a tendency to favour civic interests in the secondary bequests, more particularly to favour the Guildhall and London Bridge. Usually the gifts were made through the mayor and the commonalty and were intended for such things as the maintenance of these structures¹⁸ and prayers in the chapels that were attached.¹⁹ This tendency to favour public works or civic ends in the alter-

16 *Calendar of Wills* 2.412. See also John Cosham (1419), John Penne (1426) and John Barre (1439) (*ibid.*, pp. 421, 471, 488).

17 Elias Bokkyng (1410) and John Olneye (1410) (*ibid.* 2.387, 388).

18 William Sutbury (1411) (*ibid.* 2.395).

19 John Shadworth (1428) and Richard Gosselyn (1428) (*ibid.* 2.452-53, 464). The Chapel of

natives may be clearly seen by comparing the proportion of primary bequests to the end of public works with that of the secondary bequests to the same end. In the primary group the wills enrolled between 1400 and 1450 reveal a total of 1753 bequests of which thirty-one appear to be aimed at ends that fall into the category of public works, i.e. 1.8% of the total primary bequests. On the other hand, there are 206 secondary bequests in the same period, of which fifty-seven or 27.7% can be placed in the category of public works.

It is not entirely clear as to why the percentage of gifts to public works grows among the secondary bequests, but a possible contributing factor may have been the continuation of the Anglo-Saxon tradition of the *mund* or protector who assured the carrying out of the will and who was frequently a public figure such as a king.²⁰ In the case of these wills enrolled in the city court, the testators may have thought it wise to look to the mayor and commonalty of the city as a means of guaranteeing their disposition of the estate. The tendency to have the mayor and his council devote the wealth to public projects may have been an attempt to provide further assurance, since it may have been felt that the city officials would be more diligent if some benefit were to be conferred on the city itself.

The men and women whose wills were enrolled in the Court of Husting constituted a minority of the London population, for they had to fulfill the two criteria of holding land and possessing citizenship. London limited citizenship to those who could show evidence of political, economic and moral propriety and to manifest this the citizen was called upon to take an oath to the king and the city, and to show proof that he was of good reputation and was able to earn his living at some trade.²¹ Thus, the wills in the court came primarily from the wealthier merchants and craftsmen, men who could meet the criteria for citizenship and at the same time held enough wealth to purchase land. Departures from this picture are very few. There is the occasional cleric²² or civil servant²³ or poor member of one of the guilds,²⁴ but the only sizeable group of exceptions is that of the

St. Thomas on London Bridge was founded sometime before 1205 and had a number of chantries which by 1381 were served by five chaplains and a clerk (W. Page, ed., *The Victoria History of London* 1 (London, 1909), pp. 572-73).

20 Sheehan, *The Will*, p. 43.

21 S. Thrupp, *The Merchant Class of Medieval London* (Ann Arbor, 1962), p. 15; cf. *Calendar of Letter-Books* E p. 13, G p. 211.

22 T. Horston, rector of the parish of Great Halyngbury, diocese of London (1410), T. Mockyng, clerk (two wills, 1427, 1428) (*Calendar of Wills* 2.385, 448).

23 J. Fray, recorder of the city of London (1449) (*ibid.* 2.574).

24 While they are not considered to be members of the indigent poor, there are two testators who appear to have been in some way out of the mainstream of London mercantile life even though they managed to draw up wills and have them probated. Nicholas Glovere, glover (1406) and Peter Brikleworth, draper (1411) both appear to have been inmates of hospitals at the time they made their wills (*ibid.* 2.380, 391).

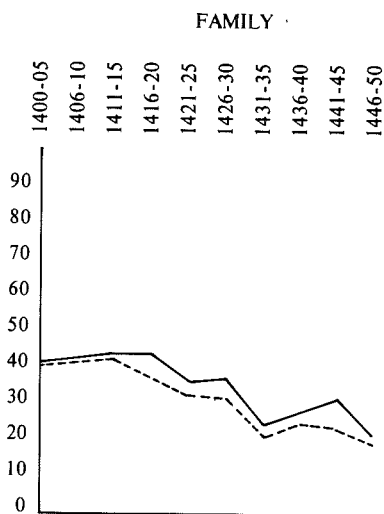


Fig. 1

Primary Requests (% of total)

Primary and Secondary Requests Combined (% of total)

TABLE 1
TOTAL PRIMARY REQUESTS

Period	NT.	Family	Assoc.	Rel.	P.W.	Poor	Pris.	Hosp.	Educ.	Uncer.	Total
1400-05	58	98	20	75	7	18	1	9	—	5	233
%		42.1	8.6	32.2	3.0	7.7	0.4	3.9	—	2.1	
1406-10	56	137	24	106	5	26	5	6	—	6	315
%		43.5	7.6	33.6	1.6	8.3	1.6	1.9	—	1.9	
1411-15	38	99	9	63	4	29	7	6	—	4	221
%		44.8	4.1	28.5	1.8	13.1	3.2	2.7	—	1.8	
1416-20	38	85	11	61	3	24	—	7	—	5	196
%		43.4	5.6	31.1	1.5	12.2	—	3.6	—	2.6	
1421-25	34	53	7	60	3	17	2	1	—	1	144
%		36.8	4.9	41.7	2.1	11.8	1.4	0.7	—	0.7	
1426-30	24	44	4	42	2	13	7	2	—	3	117
%		37.6	3.4	35.9	1.7	11.1	6.0	1.7	—	2.6	
1431-35	37	52	23	92	2	34	—	3	1	1	208
%		25.0	11.1	44.2	1.0	16.3	—	1.4	0.5	0.5	
1436-40	33	42	15	56	2	23	—	4	1	4	147
%		28.6	10.2	38.1	1.4	15.6	—	2.7	0.7	2.7	
1441-45	25	34	14	44	1	15	—	3	1	—	112
%		30.4	12.5	39.3	0.9	13.4	—	2.7	0.9	—	
1446-50	17	13	11	25	2	7	—	1	1	—	60
%		21.7	18.3	41.7	3.3	11.7	—	1.7	1.7	—	
Total	360	657	138	624	31	206	22	42	4	29	1753
%		37.5	7.9	35.6	1.8	11.8	1.3	2.5	0.2	1.7	

women. This group consisted chiefly of widows and in most cases they were quite capable of meeting the same criteria as the wealthier craftsmen and merchants.

Between 1400 and 1450 there were 360 testators who are recorded as having had their wills enrolled in the Court of Husting. Of these, 321 fall into the class of merchants and wealthier craftsmen, thirty-three are women and the remaining six are clerics and civil servants. The merchants and craftsmen range from goldsmiths and grocers, of whom there are twenty-five in each case, to single members of 'lesser companies' such as spurriers and coopers. The unifying quality which all had was that they were members of the commercial and craft segment of London society. Thus, it is the aspirations of this group that can best be determined.

In examining the wills the general procedure has been to classify the bequests according to recipient into nine basic categories: family, associates, religion, public works, poor, prisons, hospitals, education and a doubtful group designated as uncertain. In some cases, the placing of a gift in one or other of these groups was difficult to determine and a subjective judgement had to be made in this regard. At the same time, it must be realized that the categories are not mutually exclusive, as for example in the case of that designated as 'hospitals' which in some cases might be included under the heading of 'poor'. In spite of these difficulties, however, an effort has been made to be both clear and consistent in assigning bequests to the various categories. The result of the examination has been the series of tables and graphs containing the material used in the present discussion.

The first and the most prominent of the aspirations in the wills is that which concerns the testators' families. For our purposes, this group includes all those who are presented in the wills as having some blood or marriage relationship with the testator. As far as the primary bequests were concerned over the whole fifty year period, this group constituted the principal beneficiary, receiving 37.5% of the total primary bequests, almost 2% more than the next largest group, those destined for religious purposes.²⁵ The percentage of the bequests that were directed to the family tended to fall after 1415, and that fall is even more pronounced when we include secondary bequests in the totals.²⁶ In fact, the dominance of the family in the primary bequests holds true for only the first twenty years of the period and then gives place to the category of religious ends.²⁷ A partial reason for the shift may rest in the gradual solution of the problem of mortmain bequests of land which appear to have grown more acceptable to London citizens

²⁵ table 1.

²⁶ fig. 1.

²⁷ table 1.

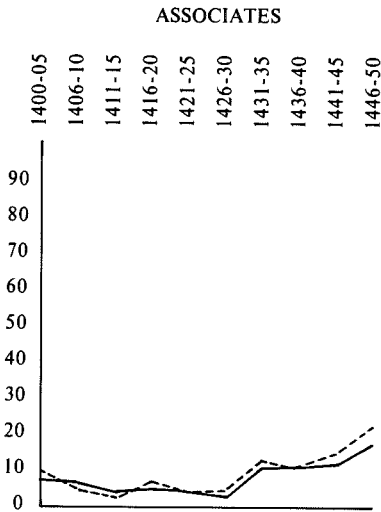


Fig. 2

TABLE 2
TOTAL SECONDARY REQUESTS

Period	NT.	Family	Assoc.	Rel.	P.W.	Poor	Pris.	Hosp.	Educ.	Uncer.	Total
1400-05	7	—	3	6	—	—	—	—	—	—	9
%		—	33.3	66.7	—	—	—	—	—	—	
1406-10	8	—	—	6	2	3	—	1	—	—	12
%		—	—	50.0	16.7	25.0	—	8.3	—	—	
1411-15	8	—	—	5	2	1	—	—	—	1	9
%		—	—	55.6	22.2	11.1	—	—	—	11.1	
1416-20	17	—	2	14	10	5	—	—	—	3	34
%		—	5.9	41.2	29.4	14.7	—	—	—	8.8	
1421-25	11	—	1	4	9	1	—	—	—	3	18
%		—	5.6	22.2	50.0	5.6	—	—	—	16.7	
1426-30	13	—	1	9	8	4	—	—	—	1	23
%		—	4.3	39.1	34.8	17.4	—	—	—	4.3	
1431-35	21	—	7	13	12	7	—	—	1	2	42
%		—	16.7	31.0	28.6	16.7	—	—	2.4	4.8	
1436-40	12	—	2	7	6	3	—	—	—	1	19
%		—	10.5	36.8	31.6	15.8	—	—	—	5.3	
1441-45	18	—	6	15	6	3	—	—	—	—	30
%		—	20.0	50.0	20.0	10.0	—	—	—	—	
1446-50	7	—	4	3	2	1	—	—	—	—	10
%		—	40.0	30.0	20.0	10.0	—	—	—	—	
Total	122	—	26	82	57	28	—	1	1	11	206
%		—	12.6	39.8	27.7	13.6	—	0.5	0.5	5.3	

by the 1420's and 1430's, thus increasing the possibilities for gifts to religion. The increase in gifts to religion seems to have been drawn mainly from the resources that had been devoted to the family. A second benefactor of this changed attitude toward mortmain bequests seems to have been the category of associates which includes the gifts to guild organizations.²⁸ These enjoyed an increase in popularity from 1430 onward.²⁹ There are no secondary bequests that are directed to the family³⁰; the testators preferred to entrust their alternative arrangements to non-family interests.

While every one of the testators was a member of the large community of the city of London, he invariably moved in a smaller circle of friends, business associates and fellow members of both parish guilds and trade and craft guilds. These, like the families, benefited from the wills enrolled at the Court of Husting. In the case of the guilds we have an illustration of the problem involved in distinguishing religious and non-religious bequests, for both the parish and the trade and craft guilds combined the aspects of mutual aid societies and of spiritual brotherhoods.³¹ As a result, gifts to these associations were sometimes religious in their purpose, sometimes not,³² and it is often difficult to separate the two types of aims in a specific bequest.³³

The proportion of the primary bequests that went to individuals and groups who might be considered associates grew in the last half of this period.³⁴ While the percentage for the entire era stands at only 7.9%, those for the last four five-year periods range from 10.2% to 18.3%.³⁵ When the secondary bequests are also considered, the total interests of the testators reveal a slightly greater growth in the importance of the recipients of the associate type.³⁶

28 *ibid.*

29 *fig. 2.*

30 *table 2.*

31 Thrupp, *The Merchant Class*, pp. 19, 34-35; C. Pendrill, *Old Parish Life in London* (London, 1937), pp. 160, 165, 168.

32 John Carbonell (1405) left property to the craft guild of the goldsmiths for a chantry; Robert Gerthe (1407) left a bequest to the parish guild of St. Giles in the church of St. Giles without Cripulgate to assist poor members of the guild (*Calendar of Wills* 2.365, 379).

33 It is rather difficult to determine what was the spirit that moved John Godman and Richard Wethyhele to make donations to incapacitated guild members. Was this felt to be a religious or a social duty? Cf. *ibid.* 2.364, 445.

34 *fig. 2.*

35 *table 1.*

36 *table 3.* This table indicates that, in the period 1446-50, the gifts to associates surpass those to the family. Two things should be kept in mind, however, which diminish the significance of this. In the first place, there were no secondary gifts made to the family. Secondly, and a more important reason, the total number of recorded bequests in this period was only seventy, the lowest number of any period and exactly one half of the next smallest total.

A large portion of the bequests found in the wills was aimed more directly at religious ends. The fundamental motivation behind these gifts was the doctrine of purgatory,³⁷ a motivation which lay behind many of the gifts in other categories as well. Within this category the bequests could be directed to a wide variety of uses. Some were intended to go directly to prayer or spiritual exercises of some kind such as chantries, obits or colleges of priests. Others were designated to be used for the maintenance of the fabric of churches or for the provision of the accessories of churches. Finally, there were some that were left to miscellaneous purposes ranging from the provision of rectories to the clothing of nuns.

Like the gifts to associates, those to religious ends gradually increase in the percentage of the total primary bequests devoted to them. This increase is more uneven than was the case with associates³⁸ but just as noticeable. Even at the beginning of the period, the religious purpose is second only to that of the family in popularity; it surpasses the family in the years 1421-25 and from 1431 to the end of the period studied, it is the dominant interest. During the first twenty years of the period, the family category dominated things very heavily so that the religious ends never quite make up the difference over the whole fifty years. The total primary gifts to the family for the whole of the years 1400-1450 is 657 or 37.5 % of the total primary bequests; on the other hand, the religious ends ultimately garner 624 primary bequests or 35.6 % of the total.³⁹ Since the preponderance of the family in the primary bequests is very slight and since none of the secondary gifts go to this end, the situation is reversed when we combine primary and secondary bequests. In this case, the number of bequests to the family remains at 657 and the percentage of the total drops to 33.5 %, while the number of bequests to religious purposes increases to 706 and the percentage of the total rises to 36.0 %.⁴⁰

It has already been noted that within this category of religious ends there was a series of subdivisions so that while most of the bequests were aimed directly at prayers and remembrances, others found their way to purposes that were less strictly religious and might in some instances be regarded as non-religious. Of the 706 primary and secondary bequests 503 (71.1 %) were to what we might describe as prayers and remembrances, 43 (6.1 %) to the maintenance of church buildings, 37 (5.2 %) to supplying ornaments, lights, etc. in the churches and 126 (17.8 %) to miscellaneous purposes including such things as the bequest for the support of choristers left by Walter Caketon (1431) and the gift to sup-

37 H. F. Westlake, *The Parish Gilds of Medieval England* (London, 1919), p. 9.

38 figs. 2 and 3.

39 table 1.

40 table 3.

plement the meal allowance for a group of monks that Robert FitzRobert, sr. (1422) provided.⁴¹

The religious nature of these bequests is of course more easily seen than that which appears in gifts to other ends, and it is here that one can most easily separate the pious from the secular interests in the wills. Nevertheless there is also a social element in this category. As in the case of parish and craft guilds, the lights, images, choristers, liturgical functions, even the parish churches themselves were intimately bound up with the social life of the London community. They point once again to the difficulty of separating the religious and the secular at this time.

If the bequests to pious purposes have some social impact, those granted to such things as roads, bridges, drains, etc. — in short, public works — have a strong religious overtone that presents us with a similar problem of distinguishing the religious from the secular. In the modern context most of these structures would be seen as the responsibility of the state to maintain, but at this time the maintenance of roads and bridges was left to the local community and the individual.⁴² The church added a religious character to the works. Roads and bridges were seen as a necessity to travelers and pilgrims and hence it was a work of piety and charity to contribute to their maintenance.⁴³ Often the religious aspect was rather explicit, and it was not unusual for an indulgence to be offered to those who assisted in such public works, as is seen in the indulgence of thirty days offered in 1306 by the bishop of London to all who helped to repair the bridge at Stratford.⁴⁴

The religious motivation which existed in the mind of the testator with regard to benefactions to public works is clearly illustrated in the will of Richard Tubbyng (1419). He left his land to his wife with the stipulation that upon her death it be sold and the proceeds devoted to the good of his soul. It is the division of the money for the good of his soul that is interesting, for it includes one third to Streatham church, one third to the poor, and one third to the repair of the king's roads in Streatham and other charities.⁴⁵

41 *Calendar of Wills* 2.467, 437.

42 J. J. Jusserand, *English Wayfaring Life in the Middle Ages*, trans. L. T. Smith (London, 1920), p. 31; C. T. Flower, ed., *Public Works in Medieval Law*, 2 vols. (London, 1915-1923), 1.xv, 2.xvi.

43 Westlake, *Parish Guilds*, pp. 15-16; Jusserand, *ibid.*, pp. 31, 36, 79; Flower, *ibid.* 2.xix.

44 *Registrum Radulphi Baldock, Gilberti Segrave, Ricardi Newport, et Stephani Gravesend, episcoporum Londoniensium, 1304-1338*, ed. R. C. Fowler (Canterbury and York Society 7; London, 1911), p. 11; cf. Jusserand, *ibid.*, p. 36; Flower, *ibid.* 2.xix.

45 Flower, *ibid.* 2.xix-xx. London Bridge was a special example in the wills of the combination of religion and public need, for, especially in the default clauses, gifts were made which had as their

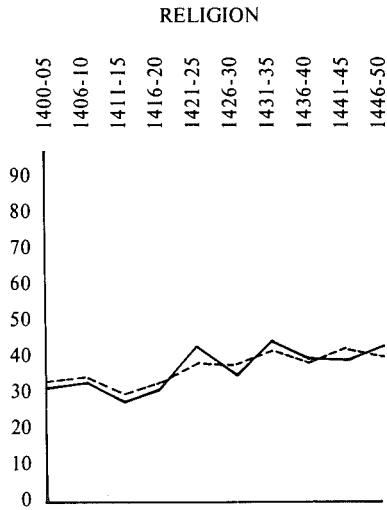


Fig. 3

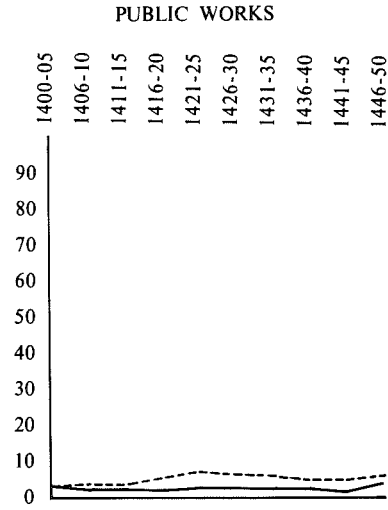


Fig. 4

TABLE 3
TOTAL PRIMARY AND SECONDARY BEQUESTS

Period	NT.	Family	Assoc.	Rel.	P.W.	Poor	Pris.	Hosp.	Educ.	Uncer.	Total
1400-05	58	98	23	81	7	18	1	9	—	5	242
%		40.5	9.5	33.5	2.9	7.4	0.4	3.7	—	2.1	
1406-10	56	137	24	112	7	29	5	7	—	6	327
%		41.9	7.3	34.3	2.1	8.9	1.5	2.1	—	1.8	
1411-15	38	99	9	68	6	30	7	6	—	5	230
%		43.0	3.9	29.6	2.6	13.0	3.0	2.6	—	2.2	
1416-20	38	85	13	75	13	29	—	7	—	8	230
%		37.0	5.7	32.6	5.7	12.6	—	3.0	—	3.5	
1421-25	34	53	8	64	12	18	2	1	—	4	162
%		32.7	4.9	39.5	7.4	11.1	1.2	0.6	—	2.5	
1426-30	24	44	5	51	10	17	7	2	—	4	140
%		31.4	3.6	36.4	7.1	12.1	5.0	1.4	—	2.9	
1431-35	37	52	30	105	14	41	—	3	2	3	250
%		20.8	12.0	42.0	5.6	16.4	—	1.2	0.8	1.2	
1436-40	33	42	17	63	8	26	—	4	1	5	166
%		25.3	10.2	38.0	4.8	15.7	—	2.4	0.6	3.0	
1441-45	25	34	20	59	7	18	—	3	1	—	142
%		23.9	14.1	41.5	4.9	12.7	—	2.1	0.7	—	
1446-50	17	13	15	28	4	8	—	1	1	—	70
%		18.6	21.4	40.0	5.7	11.4	—	1.4	1.4	—	
Total	360	657	164	706	88	234	22	43	5	40	1959
%		33.5	8.4	36.0	4.5	11.9	1.1	2.2	0.3	2.0	

Roads and bridges are the most common end in this category and the concentration on these seems quite fitting for a community dominated by merchants. At the same time, however, some of the wills exhibit more imagination in their giving. John Haddele (1405) remembered the soldiers at Calais in his will, William Est (1421) devoted part of his estate to the conduits of London and John Wodecok (1408) desired to assist in the maintenance of the common latrine at Doncaster.⁴⁶ Such bequests indicate some effort to answer a need for public facilities at a time when government did not view it as a responsibility.

It has already been noted (p. 000) that a large proportion of the secondary bequests went to ends that were to be classed as public works. In the total of primary bequests those destined to this end rank sixth among all the categories of recipients,⁴⁷ while in the total of secondary bequests, public works rank second, accounting for over one quarter of those recorded.⁴⁸ This increase has its effect on the total of interests both primary and secondary, for the addition of the secondary to the primary increases the percentage of benefactions over the fifty year period from 1.8 % to 4.5 %, ⁴⁹ the greatest increment of all the categories. As far as the pattern of bequests in the five year intervals is concerned, this group of benefactors varies little in the percentage of primary bequests received.⁵⁰ When the secondary bequests are included, however, there is a noticeable rise in the percentage received in the period 1416-20 and this increase holds until 1450.⁵¹ It is notable that primary and secondary bequests to public works exceed those to associates in 1421-25 and 1426-30 and are the same in 1416-20. This situation flows from the fact that secondary gifts to public works are markedly greater than those to associates,⁵² and clearly illustrates the predominance of this category of interests when the testators sought alternative recipients for their bequests.

A major social problem which received attention in the wills, and whose solution was definitely considered a part of the pious and charitable works done for the soul, was the alleviation of the plight of the poor.⁵³ The relatively wealthy

end not only the maintenance of the bridge but also the support of a chantry in the chapel there; cf. Thomson, 'Piety and Charity', 188. See, for example, the wills of John Weston (1407), Nicholas Bray (1442) and John Herst (1447) (*Calendar of Wills* 2.441, 516, 545).

⁴⁶ *Calendar of Wills* 2.417, 430, 397-99.

⁴⁷ table 1.

⁴⁸ table 2.

⁴⁹ tables 1 and 3.

⁵⁰ fig. 4.

⁵¹ *ibid.*

⁵² tables 3 and 2.

⁵³ This was one of the seven corporal works of mercy (*Calendar of Wills* 2.394 n. 1). Distributions of alms to poor men and women were often a part of the graveside services, as for example appears in the testament of Robert Markele who left 4*d* to every poor person attending his funeral (*Register of Henry Chichele* 2.218-21).

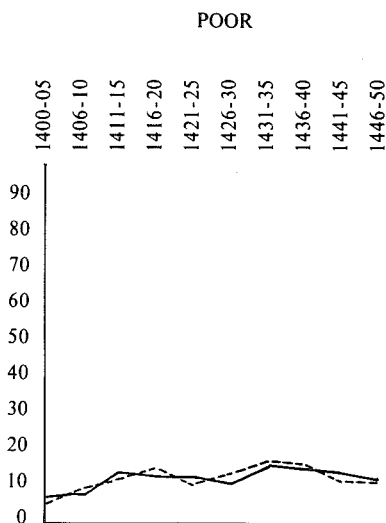


Fig. 5

and progressive citizens of London were in an urban environment where the problems of poverty were readily visible, with the result that the imperative in this regard would be fairly strong. Despite this imperative, however, aid was not to be offered to the poor indiscriminately, for a distinction was made between the deserving poor and the mere vagabond. Thus, a parish guild would offer assistance to the poor who were in that state through no fault of their own, but not to the indolent.⁵⁴ Chapter 5 of the Ordinances of Richard Whittington's Almshouse describes the type of persons who were to be admitted as 'nedy and devoute pore folk hable in conversacion and honest in lyving.'⁵⁵ The honesty referred to in the chapter undoubtedly includes among its elements the honesty of need, which would mean that only the deserving poor were eligible for membership. In the same way, D. Chadwick notes that William Langland, author of *Piers Plowman*, along with the society of the period viewed the mendicancy of the undeserving poor as a crime.⁵⁶ Both the church and the state seem to have been in agreement with this popular opinion, and Huguccio could state that all poor were to be helped except those who would be harmed by such aid, among whom he notes persons who could work but refused to do so. On the side of the state,

⁵⁴ Westlake, *Parish Gilds*, p. 31.

⁵⁵ J. Imray, *The Charity of Richard Whittington* (London, 1968), appendix 1, p. 111. Imray dates this text c. 1442 (p. 107).

⁵⁶ D. Chadwick, *Social Life in the Days of Piers Plowman* (Cambridge, 1922), p. 75.

the Black Death led to the formulation of a number of decrees against vagrancy and indiscriminate charity which threatened to aggravate a labour shortage.⁵⁷

It should be noted that not all those held by the testators to be deserving poor were necessarily indigent. Sometimes their concern was for guild members who required assistance to maintain their rank, rather than aid aimed at subsistence.⁵⁸ It is not clear whether all or even most of the gifts to the guilds for this purpose were made with the view of maintaining the status of the poor members, but what is apparent is that guild members like Robert Guphey (1412), John Wodecok (1408) and Thomas Knowles (1432) were concerned about those of their number who had fallen on hard times.⁵⁹

There was a multitude of ways in which the poor could benefit from the gifts left to them in the wills enrolled in the Husting. Some of the bequests, like the remembrances made at graveside or in an obit, were no more than general distributions to persons in need.⁶⁰ In other cases, the testator specified what the purpose of the gift actually was. This purpose might range from the bread, cheese and beer mentioned by the will of Hugh Game (1435) to a gift of clothing as was offered by John Claveryng (1407) and Thomas Cake (1412).⁶¹ Léon Lallemant has noted that a popular bequest to the poor of London was a gift for the provision of fuel.⁶² Efforts were also made to alleviate the community burdens that weighed heavily on the poor in the form of taxes. This was the aim of Thomas Aleyn (1437) when, in a default clause, he devised certain shops to the relief of the poor of the Ward of Chepe on the occasion of a tax or tallage being levied on the king's behalf.⁶³ Gifts of this nature, however, while necessary and welcomed by the recipients, were usually the answer to a present and immediate need, although the form in which the bequests were made often added a more lasting dimension. The donations which men like John Langhorne (1405) and John Nasyng (1424) made to provide marriage portions to poor marriageable

57 J. Gilchrist, *The Church and Economic Activity in the Middle Ages* (London, 1969), p. 80; R. M. Clay, *The Medieval Hospitals of England* (London, 1909), pp. 6-7.

58 The Guild of St. Peter in the church of St. Peter on Cornhill offered alms to members who were in difficulty (Westlake, *Parish Gilds*, p. 82). See the will of Robert Gerthe (1407) (*Calendar of Wills* 2.379). A particularly clear example of the use of charity to help guild members maintain status is cited by L. Lallemant, *Histoire de la charité* 3 (Paris, 1906), p. 329 n. 79. He notes a gift to provide thirteen poor goldsmiths with gowns whenever the livery customarily have new clothing.

59 *Calendar of Wills* 2.395, 397-99, 474. Robert FitzRobert (1436) appears to have had even farther-reaching concerns since his bequests were to the poor among the grocers, goldsmiths and tailors (*ibid.*, p. 505).

60 See for example the will of Richard Wynter (1412) (*ibid.*, p. 396).

61 *ibid.*, pp. 479, 382, 402.

62 Lallemant, *Histoire*, p. 329. William Turnell in 1418 provided that his obit include the distribution of thirteen quarters of coal to the poor (*Calendar of Wills* 2.417). See also John Nasyng (1425) and Peter David (1433) (*ibid.*, pp. 451, 469).

63 *Calendar of Wills* 2.514. See also John Haddele (1405) (*ibid.*, p. 417).

girls were in a way aimed at effecting an improvement in the social position of the recipients.⁶⁴ Some of the bequests to apprentices, as well as the provisions for loans and alms in the parish, craft and trade guilds, were of somewhat the same complexion in that they too were aimed at giving the person a start or re-start in life.

Of the total primary bequests recorded for the period 1400-1450, 206 or 11.8% are intended to assist the poor. Thus, considering primary bequests, the category of the poor ranks third in the wills of the Husting.⁶⁵ As far as secondary bequests are concerned, the poor are mentioned twenty-eight times for 13.6% of the total, ranking behind the two categories of associates and public works.⁶⁶ When the primary and secondary gifts are added together, the number of secondary bequests is so small that only a slight increase over the percentage of primary gifts to this end appears: the percentage moves from 11.8% to 11.9%.⁶⁷ The five year totals of the gifts to the poor indicate that bequests to this end underwent only modest fluctuations. Moreover, the tendency over the whole period is a slow rise in the percentage of bequests to the poor. A glance at tables 1 and 2 and fig. 5 indicates four stages in the relative concern from 1400-1450. From 1400 to 1415, there is a gradual but steady rise in the percentage of bequests to the poor; from 1416 to 1430 the percentage levels off and holds fairly constant; from 1431 to 1435 there is another increase in the percentage; and finally from 1436 to 1450 there is a gentle but steady drop in the percentage of gifts to this end. It should be noted that the decrease in the last fifteen years of the period is not great and merely returns the percentage to the level at which it stood c. 1426-1430. In fact, the concern of the testators for the poor appears to be one of the steadiest of the categories.

The motives behind the gifts to the poor are difficult to determine. For many, there was a strong religious factor and they were concerned that the poor who received help make a return to the testator in prayers for his soul.⁶⁸ All the same, this did not exclude a number of other motives that were probably intermingled with the religious one. Undoubtedly many saw these gifts as a way of easing a social evil as well as a means of obtaining prayers for their souls. Others appeared to regard the gifts as a means to salve their consciences, as perhaps in the case of William Bealhomme (1401) who left a bequest to the poor and noted that it was especially for those with whom he had done business.⁶⁹ He may have felt that this would in some way make up for any guilt that could be imputed to him

64 *ibid.*, pp. 363, 451; cf. Thomson, 'Piety and Charity', 185.

65 table 1.

66 table 2.

67 tables 1 and 3.

68 Pendrill, *Old Parish Life*, p. 135.

69 *Calendar of Wills* 2.355.

for doubtful transactions. Whatever the specific motives, in the minds of the testators the concern for the poor seems to spring out of a combination of religious and non-religious reasons with no clear distinction being made between them by the testators.

The last three specified categories — prisons, hospitals and education — contain very small numbers of bequests. In the tabulation of primary bequests only the category of gifts intended for public works ranks with this group, all receiving less than 3.0 % of the total bequests.⁷⁰ However, while the addition of secondary bequests to the primary ones improves the picture as far as public works are concerned, it merely worsens the situation with regard to prisons, hospitals and education. None of the default clauses mentions prisons and the categories of hospitals and education benefit only once each.⁷¹ As a result, considering the primary and secondary bequests together, these last three categories received a total of gifts amounting to 3.6 % of all bequests. This was less than the 4.5 % going to public works, the next lowest specified category.⁷² As far as these recipients are concerned, the number of bequests is so small and the proportions are subject to such disordered fluctuations that little in the way of general conclusions can be drawn, beyond the fact that these were not too popular as ends for the testators.

In the case of the hospitals and education, some of the specific gifts are noteworthy. Gifts which the wills enrolled in the Husting passed to the hospitals were sometimes given to the inmates, sometimes to the master and the brethren. It is not always clear what the end of the bequest was, whether for prayers on the part of the clerics and religious who served the institution or for the inmates, but with the admonition that prayers be said for the benefactor.⁷³ In this vein John Wodecok (1408) left bequests to various hospitals without any further instructions.⁷⁴

Some of the testators were more specific, manifesting a desire that the donations go to the inmates. This was the case with Stephen Toppesfield (1414) who made a devise to the poor sick of the hospitals of Elsyngspitell, St. Bartholomew de Smythfeld, St. Mary de Bedlam, St. Mary without Bisshoppesgate and St. Thomas in Suthwerk, and William Middleton (1419) who bequeathed to the sick, poor and insane at St. Mary de Bedlam.⁷⁵ On the other hand, Thomas

⁷⁰ table 1.

⁷¹ table 2.

⁷² table 3.

⁷³ Clay, *Medieval Hospitals*, pp. 181-82; Thomson, 'Piety and Charity', 187.

⁷⁴ *Calendar of Wills* 2.397-99. Richard Arnold (1405) bequeathed to the hospital of St. Mary de Elsyngspitell, adding the condition that they observe his obit (*ibid.*, p. 361).

⁷⁵ *ibid.*, pp. 409, 427. Middleton also left a bequest to the lepers at various leprosariums (*ibid.*, p. 427).

Depden (1440) does not mention the inmates in his remembrance of the hospital of St. Mary de Elsyngspitell, speaking only of the prior and the convent.⁷⁶ In any case, considering the basis on which the hospitals carried out their care of the disabled with its religious overtones, all these gifts can be classed in the general category dealing with the hospitals, and they illustrate once more the difficulty of distinguishing between the religious and non-religious interests in the minds of the testators.

As far as educational assistance is concerned, only a handful of the testators show any interest in such bequests.⁷⁷ It is notable, however, that the wills which do mention education as the end of one of their bequests are all concerned with the education of the poor rather than mere general endowment of an institution. Thus, William Burton (1438) left a bequest destined to provide an honest man, not in holy orders, to teach the poor children of St. Nicholas' parish, and John Stafford (1444) demanded that poor children and his own kinsmen receive free instruction in grammar and singing from the chantry priest to whom he offered 33s 4d per year.⁷⁸ The same interest in the poor is exhibited in the one example of a bequest to secondary education: Bartholomew Seman (1431) left a donation to the master and scholars of the House of St. Michael in the University of Cambridge, on the condition that they receive into the house two poor scholars and provide them with a room, clothing and 40s for food.⁷⁹ It appears, therefore, that in the case of education, the bequests were given for much the same reasons as were involved in the category of gifts to the poor. In fact, it is probable that the testators themselves regarded these bequests as being aimed primarily at assistance to the poor and only secondarily affecting education.

* * *

The wills of the 360 London citizens enrolled in the Court of Husting have left us with a picture of interests of these men and women from 1400 to 1450. Although they represent only a small segment of early fifteenth-century London society, those who possessed sufficient landed wealth drew up wills and, even if the number of bequests involved is sometimes so small that the picture is rather hazy, several general conclusions do emerge with regard to what concerned these wealthy citizens as they came to the end of their lives.

The first point to appear from the study of the bequests is the difficulty, if not the impossibility, of distinguishing secular from religious interests in the minds of the testators. Jordan has concluded that there was a preponderance of religion-

⁷⁶ *ibid.*, p. 502.

⁷⁷ tables 1 and 3.

⁷⁸ *Calendar of Wills* 2.483, 508.

⁷⁹ *ibid.*, p. 459.

oriented bequests in the medieval period and that it was only with the Reformation that an adjustment occurred giving rise to devotion to more secular ends when disposing of wealth.⁸⁰ In fact, it seems that the testators of the first half of the fifteenth century made no such distinction. To them, the gifts were multi-purposed, serving both the alleviation of social distress and the spiritual betterment of the donor's own soul. Neither of these two aims in any way diminished the other. In particular it appears especially inaccurate to accuse the testators whose wills form the basis of this study of having 'only scant, or ineffectual, concern with the alleviation or cure of the ills that beset the bodies of so large a mass of humanity.'⁸¹

This brings us to the second point in this picture, namely the spectrum of ends to which the testators bequeathed. In the first place, it should be noted that about two thirds of the choices of ends over the period in question involved two large categories, family and religion. The two groups received roughly the same percentages of the totals. There is, however, a notable exclusion of the family from consideration for secondary bequests. As a result, when these secondary gifts are included in the totals, the slight tendency to favour gifts to the family gives place to a slight dominance on the part of the bequests to religion.⁸² Perhaps the clearest explanation of this shift lies in the fact that most of the default clauses in which these secondary bequests are found are alternatives to benefactions aimed towards religious purposes. What the testator normally does is to reassert his desire to endow some religious end, but, because of default, shifts the particular goal of the gift.

The poor or dispossessed constitute the third largest category of recipients, but the percentage is considerably below that which is given to the two most popular ends.⁸³ Despite this fact, the 11.8% (11.9% when secondary bequests are included) which is granted for the purpose of their relief does indicate that the testators were quite aware of the problems of their society. Moreover, the poor would undoubtedly have been more prominent had this study dealt with the testaments of movable property as well, for the total then would have included such things as graveside distributions. In the same way, there is a distinct possibility that the category of education which received only 0.2% of the primary bequests would have fared much better had the movable property been taken into consideration.

As incomplete as this picture must be considering the type of evidence, one salient quality of the testators concerned does emerge even though we are unable

80 Jordan, *Philanthropy*, p. 17.

81 *ibid.*

82 tables 1 and 3.

83 *ibid.*

to measure it with any degree of accuracy. The men of the age appear to have been fully aware of the needs of the community in which they lived and to have made some effort to answer these needs. At the same time, however, it must be admitted that what they saw as the needs of the community may have been somewhat broader than was the case in later times, because of the tendency which arose to separate religious and secular ends. To the men of early fifteenth-century London, this distinction did not exist in a fully developed fashion. In their minds the gift to provide for a chantry and the gift to assist the poor were both answering needs of society and, from the evidence, they were not reluctant to make this response.

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MEDIEVAL LATIN POETIC ANTHOLOGIES (I)

A. G. Rigg

- I. General Introduction
- II. Titus A. xx and Rawlinson B. 214
 - 1. Description of Titus A. xx
 - 2. Contents of Titus A. xx
 - 3. Description of Rawlinson B. 214
 - 4. Contents of Rawlinson B. 214
 - 5. Relationship of the two manuscripts
 - 6. Relationship with other manuscripts
 - 7. Conclusions

A general history of the medieval verse anthology has yet to be written. This is not because the subject has been neglected or lacks intrinsic interest, but because of the relative paucity of published accounts of the anthologies. Many scholars have recognized the importance of the poetic collection for cultural and literary history.¹ Anthologies provide an index of the reading habits of their times, not only in terms of the popularity of specific poets and poems, but also by showing what kinds of poems were associated together. It is possible, for example, to see a practical demonstration of 'genre' criticism at work. The value of such a study is unquestionable, but it cannot be attempted until we have far more descriptions of individual anthologies. We need to know, for example, whether similarities between specific collections are the result of textual affiliations or of similar tastes in the compilers. Each poetic collection is *sui generis*: ideally, we should be told of its origin (owner, provenance, etc.), its physical appearance, its genesis (the procedure of compilation, the source of the texts, etc.), and its circulation, as well as provided with a detailed account of the contents. Few of the published descriptions (apart from the *Codex Buranus* and one or two others) are fully comprehensive, and not enough attention is paid to the methods and in-

¹ See the sample list below, pp. 282-84; see also A. Wilmart, 'A propos d'anthologies poétiques au xii^e siècle', *Revue belge de philologie et d'histoire* 19 (1940) 229-33. My work on Latin poetic anthologies began in 1972-73 with a Fellowship from the American Council of Learned Societies, to whom I should like to express my thanks.

terests of the compiler. Several Latin anthologies, however, have been described in relatively full detail. Descriptions may be found in library catalogues of manuscripts, and these — especially in recent catalogues — are often the most useful and exhaustive accounts. The following sample list is confined to descriptions that have appeared as full monographs, articles, or sections within a survey of manuscripts (such as Hauréau's *Notices et extraits*):²

Brussels, Bibliothèque Royale

MS. II, 1019, fols. 119-129 (s. xii, last quarter)

A. Boutemy, 'Analyse d'une anthologie poétique de l'abbaye de Saint-Martin de Tournai', *Revue belge de philologie et d'histoire* 17 (1938) 727-46.

Cambridge

University Library Ff. 1.17 (s. xiii), an eight-leaf booklet

O. Schumann, 'Die jüngere Cambridger Liedersammlung', *Studi medievali* N.S. 16 (1943-50) 48-85.

University Library Gg. 5.35 (s. xi med.), a class-book

A. G. Rigg and G. Wieland, 'A Canterbury Class-Book of the Mid-Eleventh Century', *Anglo-Saxon England* 4 (1975) 113-30.

Corpus Christi College 450 (s. xiv in.)

C. R. Cheney, 'Law and Letters in Fourteenth-Century Durham', *Bulletin of the John Rylands Library* 55 (1972) 60-85.

Trinity College O.9.38 (s. xv med.)

A. G. Rigg, *A Glastonbury Miscellany of the Fifteenth Century* (Oxford, 1968).

Copenhagen, Kongelige Bibliotek

(formerly University Library) **Fabricius 81 in 8°** (s. xii ex.)

P. Lehmann, 'Eine Sammlung mittellateinischer Gedichte aus dem Ende des 12. Jahrhunderts', *Historisches Vierteljahrschrift* 30 (1935) 20-58.

Erfurt, Wissenschaftliche Bibliothek der Stadt

Amplonian. Q.12 (s. xv, 1447-67) and **Amplonian. Q.345** (s. xv, first half)

H. Walther, 'Kleine mittellateinische Dichtungen aus zwei Erfurter Handschriften' in *Mittelalterliche Handschriften ... Festgabe zum 60. Geburtstage von Hermann Degering* (Leipzig, 1926), pp. 296-315.

Glasgow, University Library

Hunterian V.8.14 (s. xiii)

E. Faral, 'Le manuscrit 511 du Hunterian Museum', *Studi medievali* N.S. 9 (1936) 18-121; B. Harbert, *A Thirteenth-Century Anthology of Rhetorical Poems* (Toronto, 1975).

² It is necessary to distinguish the series *Notices et extraits des manuscrits de la Bibliothèque Nationale et autres bibliothèques* 1-(1787-) from B. Hauréau, *Notices et extraits de quelques manuscrits latins de la Bibliothèque Nationale*, 6 vols. (Paris, 1890-93); the latter is cited here as *Notices*.

London, British Library

Burney 305 (s. xiii, first half)

A. Wilmart, 'Quelques poèmes moraux d'un manuscrit Burney', *Studi medievali* N.S. 12 (1939) 172-82.

Cotton Titus D. xxiv (s. xii/xiii)

J. H. Mozley, 'The Collection of Medieval Latin Verse in MS Cotton Titus D. xxiv', *Medium aevum* 11 (1942) 1-45.

Cotton Vespasian D. xix (s. xiii, first half; Christ Church, Canterbury)

J. H. Mozley, 'The Unpublished Poems of Nigel Wireker', *Speculum* 7 (1932) 398-423.

Cotton Vitellius A. xii (s. xii ex.)

A. Boutemy, 'Notice sur le recueil poétique du manuscrit Cotton Vitellius A. xii du British Museum', *Latomus* 1 (1937) 278-313.

Additional 24199 (s. xii ex.; Bury St. Edmunds)

A. Boutemy, 'Le recueil poétique du ms. Additional 24199 du British Museum', *Latomus* 2 (1938) 30-52.

Louvain, University Library

Herdringen MS, destroyed 1940 (s. xiv, second half; St. Jacob zu Lüttich)

A. Bömer, 'Eine Vagantenliedersammlung des 14. Jahrhunderts in der Schlossbibliothek zu Herdringen', *Zeitschrift für deutsches Altertum* 49 (N.S. 37) (1907) 161-238.

Munich, Bayerische Staatsbibliothek

CLM 4660 (s. xiii, first half), the Codex Buranus

A. Hilka-O. Schumann-B. Bischoff, *Carmina Burana* 1. 1-3, 2. 1 (Heidelberg, 1930-70).

Oxford, Bodleian Library

Additional A. 44 (ss. xiii, xv)

A. Wilmart, 'Le florilège mixte de Thomas Bekynton', *Mediaeval and Renaissance Studies* 1 (1941) 41-84 and 4 (1958) 35-90; C. L. Kingsford, *English Historical Review* 5 (1890) 311-26; *Bibliothèque de l'Ecole des chartes* 46 (1885) 582-85 and 47 (1886) 88-97.

Lat. misc. d. 15 (s. xiii)

J. H. Mozley, 'Some Notes on Lat. misc. d. 15', *Bodleian Quarterly Record* 7 (1932) 133-38; 'Unpublished Fragments of Matthew of Vendôme', *Studi medievali* N.S. 6 (1933) 208-38.

Rawlinson C.504, C.510, D.893 fols. 19-26, 105-6, 113 (s. xiii, second half)

R. W. Hunt, 'The Collections of a Monk of Bardney: A Dismembered Rawlinson Manuscript', *Mediaeval and Renaissance Studies* 5 (1961) 28-42.

Paris, Bibliothèque de l'Arsenal

1136 (s. xii, second half)

A. Boutemy, 'Recherches sur le *Floridus aspectus* de Pierre la Rigge', *Moyen Age* 54 (1948) 89-112; *Latomus* 8 (1949) 159-68, 283-301.

Paris, Bibliothèque Nationale

Lat. 5129

A. Boutemy, 'Le recueil poétique du manuscrit latin 5129 de la Bibliothèque Nationale', *Scriptorium* 2 (1948) 47-55.

Lat. 8433 (s. xiii)

B. Hauréau, *Notices et extraits* 32. 2 (1888) 83-106; *Notices* 1. 356-87.

Lat. 11867 (s. xiii/xiv)

K. Hampe, 'Reise' nach Frankreich und Belgien im Frühjahr 1897', *Neues Archiv* 23 (1898) 601-65.

Nouv. acq. lat. 1544 (s. xv)

B. Hauréau, *Notices* 6. 271-335.

St. Omer, Bibliothèque municipale

115 (s. xiii)

C. Fierville, *Notices et extraits* 31. 1 (1884) 49-145; A. Boutemy, 'Notes additionnelles ...', *Revue belge de philologie et d'histoire* 22 (1943) 5-23.

Tours, Bibliothèque municipale

890 (s. xii, second half; St. Gatien)

A. Wilmart, 'Le florilège de Saint-Gatien. Contribution à l'étude des poèmes d'Hildebert et de Marbode', *Revue bénédictine* 48 (1936) 3-40, 147-81, 235-58.

Vatican City, Biblioteca Apostolica Vaticana

Reg. lat. 344 (s. xiii, first half)

B. Hauréau, *Notices et extraits* 29. 2 (1880) 231-362; A. Wilmart, *Codices reginenses latini* 2 (Vatican City, 1945), pp. 279-91.

Zürich, Zentralbibliothek

C 58/ 275

J. Werner, *Beiträge zur Kunde der lateinische Literatur des Mittelalters*, 2nd ed. (Aarau, 1905).

The list could, of course, be extended indefinitely, not only by including the more generous descriptions in library catalogues and editions of specific poems (and by extending my own knowledge), but also by broadening the scope of the term 'anthology': after all, in a sense, any medieval verse manuscript that contains more than a couple of items is an anthology. Nevertheless, not all manuscripts can be studied, and analysis must be limited to collections which would be regarded as anthologies in a modern sense: I would exclude, for instance, manuscripts (other than short booklets) containing less than ten poems, and collections of poems of epic length.

Most anthologies show some theme or dominant interest — moral, mortality, amorous, historical, etc. My own interest is in collections which can loosely be described as 'Goliardic'. I use the term to refer to: (a) poems specifically ascribed to Goliard in the manuscript in question or in other manuscripts; (b) poems ascribed to poets whose names are often interchangeable with Goliard — Primas, Archpoet, Walter of Châtillon; (c) poems which are habitually associated with poems in the (a) and (b) categories. I realize that this definition is fuzzy at the edges: I hope elsewhere to make it more precise, or at least to provide the

evidence on which it rests and to show how the term operates.³ It must be stressed that the term 'Goliardic' does not imply anything about the social or clerical status of the authors of the poems, still less of the compilers of the manuscripts. The equation *goliardi* = *clerici vagantes* is one of historical documents, not of scribal colophons: I would prefer to eliminate the connotations of 'Vaganten' and 'Wandering Scholars' from literary criticism.

This article is the first in what I hope will be a series of descriptions of 'Goliardic Manuscripts' to appear in *Mediaeval Studies*. Most of the articles and monographs listed above deal with twelfth- and thirteenth-century collections: this series will concentrate (though not exclusively) on later manifestations of the same tradition, especially in England.

COTTON TITUS A. XX AND RAWLINSON B. 214

Two such anthologies are preserved in the British Library MS. Cotton Titus A. xx (Tx) and in Oxford, Bodleian Library MS. Rawlinson B. 214 (Rb). The former was compiled in the London area in the latter part of the fourteenth century (after 1367); the latter was written by John Wilde, precentor of Waltham Abbey, Essex, in the late fifteenth century (after 1469). The two manuscripts share sixteen items in common, and successive editions have demonstrated a very close textual relationship between them. They were probably both copied from the same exemplar, and there is evidence (below, pp. 326-27) for the circulation in the Eastern Counties of a group of textually related anthologies. Nevertheless, the two collections differ considerably in appearance, organization, and literary intention: Tx was compiled accretively, in several stages, whereas Rb was planned and executed by Wilde with a clear plan of the final product. Also, Tx is very much a collection of poetry; the emphasis of Rb is historical and political. In some respects each anthology reflects closely the literary temper of the period in which it was written.

TITUS A. XX: DESCRIPTION OF THE MANUSCRIPT⁴

182 leaves (fols. *164 and *175 unnumbered). Parchment, of indifferent quality: it is often patched and repaired, and has changed colour in parts, affecting the colour of the ink (which is usually brown or grey). Binding modern (1884); gatherings and loose leaves have been mounted separately.

³ See my article 'Goliard and other Pseudonyms', forthcoming in *Studi medievali*.

⁴ These descriptions (of Tx and Rb) lead up to an account of the procedure of compilation, and therefore do not follow strictly the traditional order of such descriptions in library catalogues.

Leaves (trimmed) approx. 230 × 158 mm. Writing area framed by single (very rarely double) lines in ink or pencil; frame approx. 185-175 × 110-100 mm. Ruling in Part II (fols. 52-71) only, and not on all folios there. Long-line format or two columns, depending on the metre and length of the verse lines. Number of lines per page varies: e.g. fol. 4 (long-line) 33 lines, fol. 52 (two columns) 45 lines.

Scribes

There are two scribes: *S*, the main scribe and compiler, and *M*. *S* writes a small Anglicana hand, which varies according to the quality of the pen and other factors: at the beginning of Part II (ruled) it is very neat; in Part VIII it is also neat, with sharper strokes and some Secretary features; at other times (in Part III, and especially in later additions) it is spidery and sprawly. Persistence of certain letter forms and habits, however, persuade me that *S* was responsible for all items not written by *M*: several apparent changes (e.g. fols. 158r-v, 162r-v) are due to changes in the colour of the parchment. *M* wrote fols. 114v-129r (Nos. 46-48) and 167va-171vb (Nos. 64-66): *M*'s hand has broader letters, sharper contrasts between thick and thin strokes, and an *e* with a curled-back loop.

Punctuation, 'mise-en-page', etc.

All poems are laid out as verse, with no more punctuation than a *punctum* at the end of a hexameter line (and this rarely). Stanzaic verse: in Nos. 4-7 *S* separates stanzas by alternating red and blue paragraph marks (see on *Decoration*); in later additions (Nos. 8-12, 55, 59, 60, 61-63, 67) brace lines indicate the rhyme scheme, and red/blue paragraph marks have been provided for Nos. 8, 9, 11, 61-63. In No. 65 *M* separated stanzas by simple capitulum marks, and then went back and inserted them in No. 64, but provided no stanza distinctions in No. 66; in No. 65 he supplied brace lines for the first six stanzas only.

Titles, if supplied at all,⁵ are in the margin (*S* entries only) in the usual Anglicana script, as are sub-headings within longer poems.

At the head of every page, recto and verso, for which he was responsible *S* wrote the words *Aue maria*, except for fols. 52r-70r (the original entries in Part II) and fols. 176r-179v (Part VIII). He did this immediately before writing, as no blank leaves have this heading except fol. 164v (where text has been erased).

⁵ In the accounts of the contents of Tx and Rb (below, pp. 294-309, 313-24) I have presented titles in small caps: this is somewhat misleading, suggesting an equivalence between the small cursive marginalia of Tx and the rubric display titles of Rb; on the other hand, functionally they *are* equivalent.

When he filled blank leaves in Part II he left fol. 70r without a heading, as it already contained writing, but began fol. 70v and subsequent pages with the usual heading. *M* imitated this practice on fol. 167v, but not on his other pages.

Decoration

The highest-ranking initial is blue with red work, used for the first initial in all major poems and sometimes for further divisions within poems (as in No. 52 and each extract a-h in No. 20). Next is the red or blue paragraph mark, used for separate poems, for sections within poems, for stanzas (see above), and, in No. 14, to mark off the Virgilian lines. Absence of decoration at the beginning of Nos. 17(a), 18, 19(a.i), 20(i), 20(k.i) is probably accidental. There is no decoration at all in Part IV: many poems there, and Nos. 60, 64, and 66, have blanks for the large blue initial, but were never sent for illumination. Some poems in Part IV (and elsewhere) have no blank space for the initial but have two thin slashes in the margin, perhaps to instruct the illuminator to provide paragraph marks. Nos. 2, 13, 49 (Part IV), and 67 have no decoration or sign that any was intended: these entries were probably made last (see below).

Collation of leaves

fols. 1-3 flyleaves / i¹²-iv¹² / v¹²-vi⁸ / vii¹²-ix¹² / x¹²-xi¹² / xii¹²-xiii¹² / xiv²⁰ (fol. *164 unnumbered) / xv¹² (fol. *175 unnumbered) / xvi⁴ (now separate leaves, separately mounted) / fol. 180 flyleaf.

There are catchwords on fols. 27v, 39v, 83v, 95v. All quires are lettered consecutively a-q; leaf numbering within quires has usually been trimmed away, but remains visible on fol. 52 (E i) and fols. 64-66 (F i, ii, iii). Thus, the present order of the manuscript is that finally intended by the compiler: this is confirmed by the contents list (by *S*) on fol. 3v, which is brief but contains all main entries, including No. 68, in the present order.

Booklets

Blank leaves and/or spaces at the end of gatherings indicate that the manuscript was compiled in booklets. Parts III and IV appear to run straight on, but, as we have seen, only Part III was illuminated, indicating that they were kept separate. A note on fol. 2r (see below) refers to the purchase of 'loose quires', perhaps illustrating that this method of compilation was common in the scriptorium. Changes of hand, ink, lay-out, etc. show where later additions were made.

4r-50v (No. 1)		Part I: fols. 4-51 50v-51v (No. 2)		50v part blank
Part II: fols. 52-71				
52r-70ra (Nos. 3-7)	70ra-71vb (Nos. 8-12)	71vb (No. 13)	71vb part blank	
Part III: fols. 72-107 Nos. 14-31				
Part IV: fols. 108-131				
108r-114r (Nos. 32-45)	M 114v-129r (Nos. 46-48)	129v-131r (No. 49)	131v blank	
Part V: fols. 132-155 Nos. 50-54				
155v part blank				
Part VI: fols. 156-*164				
156ra-163vb (Nos. 55-59)	163vb-164rb (No. 60) (over erasure)		164va erased; 164vb blank; *164 blank	
Part VII: fols. 165-*175				
165ra-167rb (Nos. 61-63)	M 167va-168rb (No. 64)	M 168va-171vb (Nos. 65-66)	171vb-175rb (No. 67)	175rb part blank; 175v, *175 blank
Part VIII: fols. 176-179 No. 68				

*Procedure of Compilation*⁶

(1) Part II fols. 52-70r and Part VIII may have been written first: they are neater (Part II is ruled) and both lack the *Aue maria* page headings, characteristic of all *S*'s other work. (2) Parts I fols. 4-50v, IV fols. 108-114r, and V may have been written next. (3) In his additions to Parts II (Nos. 8-12), VI (Nos. 55-59), and VII (Nos. 61-63) *S* began to use brace lines for stanzaic rhymes. (4) Part III was written before illumination but in a hand similar to that of Nos. 2, 49 and 67. (5) All completed sections except Part IV were sent for illumination (i.e. Parts I No. 1, II Nos. 3-12, III, V, VI Nos. 55-59, VII Nos. 61-63, and VIII). (6) Hand *M* added Nos. 46-48 in Part IV and Nos. 64-66 in Part VII. (7) At some time *S* realized that he had made two copies of the 'De coniuge non ducenda', the first No. 5 in Part II, the second on fols. 163v-164v: he erased the

6 See Fig. 1: stages in the compilation represented horizontally need not, of course, have taken place simultaneously: for example, rubrication (5) could not have been made in all sections at the same time.

	I 4-51	II 52-71	III 72-107	IV 108-131	V 132-155	VI 156-164	VII 165-175	VIII 176-179
1. (No Ave)		52-70r						
2.	4-50v			108-114r				
3.		70ra-71vb				165ra- 167rb		
4.								
5. Illumination						?		
6. Hand <i>M</i>				114b-129r			167va- 171vb	
7. Rewriting (No. 60)						163vb- 164rb		
8.	50v- 51v	71vb		129v- 131r			171vb- 175rb	

Fig. 1

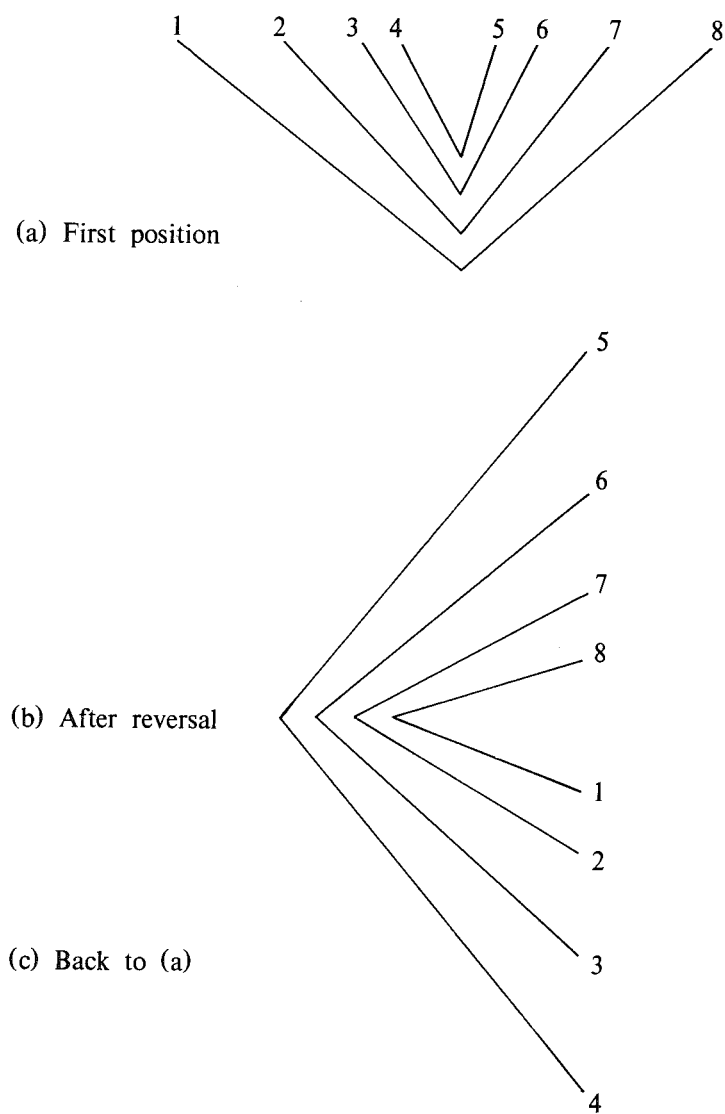


Fig. 2 (See p. 310.)

second copy and in its place wrote No. 60.⁷ The following were intended to receive decorated initials, but never received them: Nos. 60, 64, 66 and all Part IV. (8) *S* now completed the manuscript by adding No. 2 in Part I, 13 in Part II, 49 in Part IV, and 67 in Part VII.

The sequence described here is not necessarily chronologically exact: each section may have been illuminated at different times, for instance. Part III was probably written at about the same time as the additional Nos. 2, 49, and 67, but the additions were not designed for decorated initials. Stage (7) may have taken place at any time after the rest of Part VI was illuminated. Hands *S* and *M* used the same exemplar, as Nos. 64-65 are also in *Rb* (see below, pp. 324-25).

(9) The booklets were now arranged in their present order, and quire letters a-q supplied throughout; flyleaves (fols. 1-3, 180) were added. *S* then wrote a selective contents list on fol. 3v: this could have been done before the final entries, as Nos. 2, 13, 49 and 67 are not included. The contents list is not derived from the titles and colophons in the body of the manuscript: it includes some poems which lack titles in the text; there is no correlation with the decorated initials. Only Nos. 32 and 46 are included from Part IV: the absence of illuminated initials may have caused *S* to skim this section, singling out only the first poem (No. 32) and the first by *M* (No. 46).

There are a few (apparently near-contemporary) textual corrections in the manuscript; another hand has made some pen trials (*si mea penna valet* several times, wholly or in part) on fol. 180v. On later notes, see below, pp. 293-94.

Flyleaves

On fols. 1-2r are two sets of accounts. The first set, on fol. 1r (continued 'upside-down' on 1v), is for five days in February: Sunday 20th, Monday 21st, Tuesday 21st, Wednesday 22nd, Thursday 23rd. Those for March (fol. 2r) are for: Thursday 17th, Friday 18th, Saturday 19th. (A small fragment for a Friday and Saturday is now stuck to fol. 15v). The Tuesday-Thursday dates for February must be emended to 22nd-24th, to harmonize with those for March: this is simpler than emending the Sunday-Monday dates, which involves emending the March dates also or assuming that two separate years are involved. Possible years between 1367 and 1450 are: 1373, 1379, 1384, 1390, 1401, 1407, 1412, 1418, 1429, 1435, 1440, 1446.

The accounts are for wax, wicks, tallow candles, crushed sugar, almonds, mace, cloves, cubeb pepper, ginger, pepper, cinnamon, rice, fruit, and two uninterpreted spices. In the March accounts the fruit is marked 'for the pantry', the

⁷ See below, p. 296.

spices 'for the kitchen'; one item is for the 'garder(obe)'. Every day is headed 'ibidem' except the Thursday in February, which is 'apud Londun'. Evidently the grocery shopping was normally done in a nearby market, but occasionally in London. The amounts are large: 7-10½ lbs. of wax daily, 1-1½ lbs. of wicks daily, three purchases of mace at 6 shillings per lb. (¼ lb. each), three of fruit at 1*d.* per lb. (6, 12, and 8 lbs.), three of cubebs at 4*s.* (¼ lb. each), three of ginger at 12*d.* (½ lb., 1 lb., 1 lb.), three of pepper at 14*d.* (½ lb., 1 lb., 1 lb.), and so on. The spices could well have been used for cooking meat as well as for baking:⁸ the kinds of item and the amounts suggest a monastic house (see below).

A fifteenth-century note on fol. 2r reads 'In vinisbery feldis pro lose quayers et alfabetum (*illeg.* ij^o cū)', i.e. 'in Finsbury Fields for loose quires and an alphabet'. As mentioned, this illustrates the purchase of loose quires for compilations such as Tx; the significance of the 'alphabet' (and the note which follows it) is uncertain. Finsbury Fields are in the parish of Shoreditch, north of the City of London.

Date

The latest datable poem in Tx is No. 2 (itself one of the last entries made in the manuscript), on the Black Prince's expedition to Spain in 1367. The absence of poems on later events (in a collection so clearly interested in political history), the late addition of No. 2, and the script all favour a date 1367-1400: on the possible dates for the accounts, see above.

Provenance

As we have seen, the manuscript was almost certainly compiled in a fairly large monastery, somewhere in the London area (where groceries and stationery were purchased). Tx is closely related textually to Rb, with which it shares a common exemplar (see below, pp. 324-26): Rb was written at Waltham Abbey, Essex. This was one of the most important Augustinian houses in the country:⁹ in 1260 it had an income of over £ 210 p.a., and despite losses in the Black Death seems to have maintained over 30 canons and a dependent hospital within the precincts.¹⁰ A house of this size would have been able to use the large amounts of spices, etc., indicated in the accounts. On the other hand, Tx and Rb

⁸ I am grateful to Professor John Munro for advice on these accounts.

⁹ *VCH Essex* 2 (London, 1907), pp. 166-72.

¹⁰ D. Knowles and R. N. Hadcock, *Medieval Religious Houses: England and Wales*, 2nd ed. (London, 1971), p. 178.

may have come from separate (though close) establishments, and there are other good candidates, such as St. Albans, in the London area.¹¹

The supposed connection with Peterborough must be dismissed. Poole and Bateson correctly identified Tx as the manuscript from which Bale knew the 'Descriptio Northfolchiae' (No. 64);¹² they went on, however, to identify this with MS. K. xiii in the old Peterborough catalogue, No. 284 in the James edition.¹³ Mozley also noted this Peterborough MS., adding No. 280 as an alternative.¹⁴ The other contents of these two Peterborough manuscripts, however, are quite unlike those of Tx. Faral proposed not only Peterborough but Scarborough, because of the 'Baston' poems (see below), and Ramsey, because of the connection with MS. Bodley 851 (see below, p. 327), and finally said that it was probably from a Benedictine house because No. 3 (s. xiii!) was 'heard before the abbot of Westminster'.¹⁵ Certainly a group of related manuscripts circulated in the Eastern Counties, but Tx must be localized firmly within reach of the London stationers and grocers.

Later History

The first modern owner was John Leland (1506?-1552): Bale, under 'Gualtherus Mapes', describes the contents of a manuscript 'ex bibliotheca Johannis Lelandi',¹⁶ which correspond to Tx Nos. 4-7, 9-12, 59-61, 63, 62, and 66-67. Bale further mentions the 'Descriptio Northfolchiae' (No. 64) and the 'Impugnatio' (No. 65) as 'ex libro rithmorum et carminum'.¹⁷ Poole and Bateson did not identify the Leland manuscript, but identified the *liber* with Tx, incorrectly assigning it to Peterborough (see above). The *liber*, the Leland MS. and Tx are certainly all the same book.

Bale himself (d. 1563) foliated Tx, beginning with fol. 4r (after the flyleaves) as '1'; he added these folio numbers to the original contents list, and then wrote out his own contents list, also on fol. 3v. He underlined words and phrases in the texts, and made textual, orthographic and historical notes throughout the

11 *ibid.*, p. 75: in the fifteenth century St. Albans had between fifty-four and forty-six monks and perhaps some lay brothers.

12 John Bale, *Index Britanniae scriptorum*, ed. R. L. Poole and M. Bateson (Anecdota Oxoniensia, Med. and Mod. Ser. 9; Oxford, 1902), pp. 235, 471.

13 M. R. James, 'Lists of Manuscripts formerly in Peterborough Abbey Library', *Transactions of the Bibliographical Society*, Supplement 5 (1926).

14 J. H. Mozley, 'On the Text of the *Speculum stultorum*', *Speculum* 4 (1929) 430-42.

15 In his edition of the *Babio*, cited below, p. 305.

16 *Index*, pp. 108-10.

17 *ibid.*, pp. 235, 471. Bale also mentions a copy in a now lost MS. of Clare College, Cambridge, which may also have contained the 'Apocalypsis Goliae' and the 'De coniuge non ducenda': cf. James's catalogue, p. viii.

manuscript. He supplied titles for many poems, adding the name 'Golias' to Nos. 4 and 11, and ascribing Nos. 6, 7, 9, 12, 49 and 59 to Robert Baston.¹⁸ Bale may have kept the manuscript or given it back to Leland, whose books were dispersed after his death;¹⁹ in either case it came into the possession of William Camden (1551-1623). Boutemy points out that in Cotton Vespasian E. xii the text of the *Speculum stultorum* is compared by Richard James (below) with that of a 'codex Camdeianus';²⁰ Tx has the appropriate readings and is the only other Cottonian manuscript of the *Speculum stultorum*. Camden's books passed into Cotton's library:²¹ there Tx received its pressmarks 'X.A.' and 'Titus A 20' (fol. 1v) and the note 'Robert Cotton' (fol. 4r) and the description 'cons(tat) fol. 178' (fol. 179v). In Cotton's library it received its final extensive annotation, by Richard James (1592-1638, Cotton's librarian 1624-38): James made some textual notes,²² supplied more titles, and added the names of some authors (ascribing Nos. 10, 60, 62, 63 and 67 to 'Gual. Map'); on fols. 2v-3r he made a full contents list, the basis of the present Cottonian catalogue. Surprisingly, neither James nor Bale made notes in Part VIII (No. 68) but this was always part of the manuscript, as is shown by the quire letters and the original contents list.

The manuscript remained in the Cotton collection, escaping damage in the fire of 1731, and came with the other Cotton manuscripts into the British Library, where it was rebound (in 1883) and given its present pencil foliation.

TITUS A. XX: CONTENTS²³

Part I: fols. 4-51

1. Nigel de Longchamps

fol. 4r	Suscipe pauca tibi veteris guillelme nigelli
fol. 5r	DE ASINO QUI CAUDAM SUAM VOLUIT AMPLIARE
	Auribus inmensis quondam donatus asellus

18 Baston's authorship of these poems is very doubtful: Bale includes them (with the exception of No. 49) in his *Scriptorum illustrium maioris Brytanniae ... Catalogus* (Basel, 1557), Cent. quarta, chap. 92, pp. 369-70; the list (this time with No. 49) was repeated by T. Tanner, *Bibliotheca Britannico-Hibernica* (London, 1748) and the article in the DNB (which checked the titles provided by Tanner and Bale against the ascriptions in Tx, apparently without realizing that the ascriptions in Tx were in Bale's handwriting!). Some of the ascriptions are perpetuated in Walther's *Initia* (see below).

19 See DNB article on Leland.

20 A. Boutemy, 'The Manuscript Tradition of the *Speculum stultorum*', *Speculum* 8 (1933) 510-19.

21 See DNB article on Camden.

22 In Trinity College, Cambridge MS. 0.9.38, formerly a Cotton MS., James altered the text of the 'Apocalypsis Goliae' 54/2 according to the readings of Tx, noting that the text was also to be found in Cotton Vespasian E. xii.

23 Titles in bold face are mine; those in small caps within parentheses are taken from the con-

fol. 50v EXPLICIT SPECULUM STULTORUM

Walther 18944. Ed. J. H. Mozley and R. R. Raymo (Berkeley, 1960). Tx has the complete poem but lacks the introductory letter (ed. Mozley, *Medium aevum* 39 (1970) 13-20). On the textual tradition, see also Mozley, *Speculum* 4 (1929) 430-42 and 5 (1930) 251-63; A. Boutemy, *Speculum* 8 (1933) 510-19; and K. Langosch, *Mittellateinisches Jahrbuch* 3 (1966) 280-86 (review of the Mozley-Raymo edition).

2. **Black Prince in Spain** (Rb No. 10)

fol. 50v VERSUS DE BELLO

Gloria cunctorum detur domino dominorum

fol. 51v EXPLICIUNT VERSUS DE PRINCIPIS BELLO IN ISPANIA

Walther 7224. Ed. Wright, *Political Poems* 1. 94-96, from TxRb (sole witnesses).

Part II: fols. 52-71

3. **Debate between Michael of Cornwall and Henry of Avranches**

fol. 52r (a) VERSUS M. MICHAELIS CORNUBIE CONTRA M. HENRICUM ABRINCENSEM CORAM D(OMINO) ABBATE WESTM. ET DEC(ANO) S. PAULI LONDON. P(RIMO) ET POST CORAM EPISCOPO HELIEN(SI) ET CANCELLARIO CANCEL(LE)

(James: Michael Blaunpyn Cornubiensis contra Henricum Abrincensem. claruit A° 1250)

Archipoeta vide quod non sit cura tibi de

tents list on fol. 3v; reference is given to the corresponding item in Rb, if appropriate. MS. titles and colophons are given in small caps; titles by later hands (Bale, James) are in parentheses. The first line of each poem is given, but not the last: MS. EXPLICIT is given in small caps, or simply 'ends' if there is nothing in the MS. Each poem is given its number according to Hans Walther, *Initia carminum ac versuum medii aevi posterioris latinorum*, 2nd ed. (Göttingen, 1969) or to his *Proverbia sententiaeque latinitatis medii aevi*, 5 vols. (Göttingen, 1963-67), cited as *Sprichwörter*; further references are to be found in the three sets of 'Nachträge zu Hans Walther *Initia* ...' published by D. Schaller and J. Stohlmann in *Mittellateinisches Jahrbuch* 7-9 (1972-73). I then refer to the principal edition and to any important studies, especially textual. The following abbreviations are used: B.L. = British Library; CSEL = Corpus Scriptorum Ecclesiasticorum Latinorum; DNB = Dictionary of National Biography; MGH = Monumenta Germaniae Historica; PL = Patrologia Latina. Frequent reference is made to the following works and editions, cited by short titles: T. Wright, *Poems commonly Attributed to Walter Mapes*, Camden Society (London, 1841), cited as *Mapes*; *Political Songs of England*, Camden Society (London, 1839); *Political Poems and Songs*, 2 vols. (RS 14; London, 1859); *Anglo-Latin Satirical Poets and Epigrammatists*, 2 vols. (RS 59; London, 1872), also cited as *ALSP*. The *Floridus aspectus* (see above, p. 283) as printed in PL 171 is, in modern terms, unreliable but collects many miscellaneous poems which circulated together; together with it in PL 171 are the *Carmina indifferentia* and other Hildebert or pseudo-Hildebert poems; for genuine Hildebert poems, see Scott's edition, cited in No. 23. For Hauréau, *Notices*, see n. 2 above. For Walther, *Das Streitgedicht*, see No. 4. For Lehmann, *Parodie*, see No. 18. Full references for articles cited above pp. 282-84 are not usually repeated.

fol. 58v (b) CORAM DOMINO ELECTO WYNTONIENSI ET EPISCOPO
ROFFENSI

Pendo poeta prius te diximus archipoetam
Ends fol. 65v.

Walther 1432. Ed. A. Hilka, 'Eine mittellateinische Dichterfehde' in *Mittelalterliche Handschriften ... Festgabe zum 60. Geburtstage von Hermann Degering* (Leipzig, 1926), pp. 123-54. All five manuscripts are English.

4. Debate between Wine and Water (Rb No. 23)

fol. 66ra (Bale: Golie dialogus inter aquam et vinum)
Cum tenerent omnia medium tumultum

fol. 66vb EXPLICIT DISPUTACIO INTER AQUAM ET VINUM

Walther 3834. Ed. Wright, *Mapes*, pp. 87-92, from six English manuscripts including Tx (but not Rb). There is a large number of manuscripts, some of whose versions have been printed: see H. Walther, *Das Streitgedicht in der lateinischen Literatur des Mittelalters* (Quellen und Untersuchungen zur lateinischen Philologie des Mittelalters 5. 2; Munich, 1920), pp. 46-49, especially 47 n. 2, and J. H. Hanford, 'The Medieval Debate between Wine and Water', *Publications of the Modern Language Association* 27 (1913) 315 ff.

5. De coniuge non ducenda (Rb No. 21)

fol. 66vb Sit deo gloria laus benediccio

fol. 67vb EXPLICIT DISSUACIO NUBENDI GOLIE ETC.

Walther 18302. Ed. Wright, *Mapes*, pp. 77-85, from eight English manuscripts including TxRb; partial critical edition by H. Walther, unpublished Habilitationsschrift (Göttingen, 1930), kindly loaned by Professor P. G. Schmidt; a version in a manuscript at Binghamton, N.Y., is to be published by Professor Saul Levin in *Mediaevalia*. My collation of fifteen English manuscripts with Walther's edition has shown that TxRb are closely related to Bodley MS. Add. A.44 and to a group comprising Bodley 851, Vespasian E. xii and Trinity College, Cambridge 0.9.38. *S* wrote another copy of the poem on fols. 163v-164v (later erased and replaced by No. 60); the few stanzas visible by ultra-violet light contain variants indicating a different textual affiliation.

6. Edward I's Scottish Wars (Rb No. 8)

fol. 67vb (James: Baston de Scotiae Guerris. Bale, margin: Baston)
Ludere volentibus ludens paro liram

fol. 69va EXPLICIT RITMUS DE GUERRA SCOCIE ETC. (Bale: per Robertum Baston)

Walther 10450. Ed. Wright, *Political Songs*, pp. 160-79, from four MSS. including Tx: Wright knew, but did not use, Rb. Cf. No. 17 (c) below for Rb's ending.

7. (CONTRA ARTISTAS) (Rb No. 20)

fol. 69va (James: Contra artistas per Rob. Baston. Bale, margin: Baston)
Meum est propositum gentis imperite

fol. 70ra EXPLICIT ETC. (Bale: Explicit contra artistas)

Walther 10988. Ed. K. Strecker, 'Quid dant artes nisi luctum?', *Studi medievali* N.S. 1 (1928) 380-91.

8. Ne sit torpor

fol. 70ra Ne sit torpor intimus / Motus carnis noxius

Not in Walther, Chevalier, Szöverffy. Unedited. Eight quatrains (7 pp × 4, rhyming *aaaa*), each final line from a hymn or the liturgy.

9. Dives and Lazarus

fol. 70rb DISPUTACIO QUEDAM INTER DIVITEM ET LASARUM
(*Bale*: Baston. *James*: De Diuite et Lazaro per Rob. Baston)

Paupertate melior est argenti marca

fol. 70va EXPLICIT DISPUTACIO DIVITIS CUM LAZARO

Walther 1705, 13878. Ed. J. Bolte, *Zeitschrift für deutsches Altertum* 35 (N.S. 23) (1891) 257-61, from two MSS. See also Hauréau, *Notices* 6. 320-26; Walther, *Das Streitgedicht*, pp. 124-26.

10. (PUNICIO MUNDI PROPTER PECCATUM)

fol. 70va QUOMODO DEUS DESTRUXIT MUNDUM PER DILUVIUM NOE
(*James*: Gual. Map de punitione Peccati)

Omnis caro peccauerat

fol. 71ra EXPLICIT

Walther 13348. Ed. Wright, *Mapes*, pp. 208-12.

11. (CONTEMPTUS MUNDI)

fol. 71ra DE CONTEMPTU MUNDI (*Bale*: Golias)
Cur mundus militat sub vana gloria

fol. 71rb EXPLICIT

Walther 3934. Ed. Wright, *Mapes*, pp. 147-48, from seven MSS. including Tx; frequently printed. See (i.a.) F. J. E. Raby, *Christian-Latin Poetry*, 2nd ed. (Oxford, 1953), pp. 434-36.

12. (DE BELLO STRIVELYN) Bannockburn

fol. 71rb QUOMODO COMES GLOVERNIE FUERAT OCCISUS AP(UD)
STRIVELYN ET ANGLICI VICTI

(*James*: De Scotorum Bello. *Bale*: Baston)

Me cordis angustia cogit mira fari

fol. 71vb EXPLICIT

Walther 10817. Ed. Wright, *Political Songs*, pp. 262-67, from Tx: on p. 388 Wright incorrectly infers that the poem is also in Rb.

13. Joseph's Exile

fol. 71vb In pharaonis atrio dum jubilat familia

Not in Walther. Six lines (each 8 pp + 8 pp), with internal rhyme in the pattern *ab/ab/ba/ba/ab/ab*.

*Part III: fols. 72-107***14. Proba: Cento Virgilianus**

fol. 72r (Bale: Probe Centonis opusculum)

Iam dudum temerasse duces pia federa pacis

fol. 80v EXPLICIT LIBER PROBE UXORIS ADELPHI PROCONSULIS

Walther 9696. Ed. C. Schenkl, CSEL 16 (Vienna, 1888) 511-609, using early MSS. only; *loci citati* are indicated in the margin.

15. Battle of Crécy 1346 (Rb No. 5a)

fol. 81r (Bale: Inuectio contra franciam)

Francia feminea pharizea vigoris ydea

Ends fol. 85v (... Amen)

Walther 6833. Ed. Wright, *Political Poems* 1. 26-40 from TxRb and Bodley 851.

16. Battle of Neville's Cross 1346 (Rb No. 7a)

fol. 85v (Bale: De bello Scotie vbi Dauid Bruce erat captus)

Dux valeys hinnit francia grunnit territa tinnit

fol. 88v EXPLICIT DE BELLO SCOCIE UBI DAVID BRUS FUIT CAPTUS
QUI ERAT REX EORUM ET ALII MAGNATES

Walther 5041. Ed. Wright, *Political Poems* 1. 41-51 from TxRb and Bodley 851.

17. Summary of Crécy and Neville's Cross (Rb Nos. 5b, 7b, 8b)

fol. 89r (Bale: Bella de Cressy et Neule crosse. 1346)

(a) Annis bis sex C quater X bis ter simul et C (10 lines)

(b) Fastu commotos percussit et anglia scotos (8 lines)

(c) Reges dux et comites (4 stanzas)

fol. 89r ISTI VERSUS SUNT DE BELLIS DE CRESSI ET DE NEVILE CROS

Walther 1091. Ed. Wright, *Political Poems* 1. 52-53. In Rb these three poems are separated as the epilogues to distinct poems (the last on a quite different Scottish campaign).

18. Die Bettelmönche (Rb No. 26)

fol. 89r (Bale: Conditiones monachorum)

Qui nescit quam sit monachorum nobile vulgus

fol. 89r EXPLICIUNT VERSUS DE CONDICIONIBUS MONACORUM CUM
(illeg.)

Walther 16086. Ed. P. Lehmann, *Die Parodie im Mittelalter*, 2nd ed. (Stuttgart, 1963), No. 5 'Die Bettelmönche', pp. 194-95, from four continental MSS. The English tradition, unknown to Lehmann (cf. A. Wilmart, *Mediaeval and Renaissance Studies* 1 (1941) 64 and n. 2), is preserved in six MSS. and is quite distinct from the continental version, with which it shares only four 'couplets' (verse + parodied Psalm); the English version has eight couplets, the continental five.

19. (PROPRIETATES MULTORUM ANIMALIUM ET ALIORUM)

- fol. 89v (Bale: Proprietates quorundam animalium et aliorum)
 (a) DE MEDICIS
 (i) Cum pugil est victus causam causatur iniquam (6 lines)
 (ii) Consului medicos medici dixere bolismum (8 lines)
 (b) DE ASINO. Est asinus stolidus inmundus hebesque manasses (12 lines)
 (c) DE CANE. Inuidet inmundus redit ad vomitum canis atque (17 lines)
 fol. 90r (d) DE COLUMBIS. Est socialis auis cui nidus petra columba (7 lines)
 (e) DE FALCONE. Falco parum similis miluo qui corpore paruus (14 lines)
 (f) DE LEONE. Est leo rex audax et largus pectore fortis (9 lines)
 (g) DE LUNA. Est vaga mendica mutabilis et maculosa (6 lines)
 (h) DE LUPO. Insidias modicum lupus est et seuus ouile (3 lines)
 fol. 90v (i) DE NISO (Bale: an hawke)
 Nititur in predis moralis preda jocose (18 lines)

Not in Walther. I have not found the source for these verses: the lay-out in Tx requires them to be taken together, but (b)-(i) are in alphabetical sequence.

20. Matthew of Vendôme : Ars versificatoria (extracts)

- fol. 90v (a) DE PAPA (Bale: De papa)
 Urbis ad exemplum pape procedit honestas (No. 50)
 fol. 91r (b) (Bale: De cesare)
 Fulgurat in bello constancia cesaris obstat (No. 51)
 fol. 91v (c) (Bale: De eloquio)
 Purpurat eloquium sensus festiuat vlixem (No. 52)
 fol. 92v (d) DE MISERO (illeg.) (Bale: de parasito)
 Scurra vagus parasitus edax abieccio plebis (No. 53)
 fol. 93v (e) DE ALIQUA MULIERE NOBILI (Bale: de muliere nobili)
 Marcia preradiat virtutem dote redundat (No. 55)
 fol. 94r (f) Est beroe rerum scabies fex lurida vultu (No. 58)
 fol. 95r (g) (Bale: Membrorum descriptio)
 (i) Pauperat artificis nature dona venustas (No. 56)
 (ii) Respondent ebori dentes frons libera lacti (No. 57)
 fol. 95v (h) QUEDAM TOPOGRAPHIA (Bale: Topographia quedam)
 Nature studium locus est quo veris habundant (No. 111)
 fol. 97r EXPLICIT TOPOGRAPHIA QUEDAM. INTRODUCCIO VINDO-
 NIE(N)SIS
 fol. 97v (Bale: Proprietates quorundam)
 (i) DE RUFFINO CUIUS OCULOS CORRODIT IUSTA LIPPITUDO
 Ruffinum coitus meretricis inebriat jmmo (Faral, p. 164 line 1)
 (j) DE YPOCRITIS
 Iprocrite falerant sub pietate malum (Faral, p. 164/7 + p. 162/3-6)

(k) DE TEMPORIBUS ANNI

(i) Ver roseum tenero lasciuit flore laborat (No. 107)

(ii) VEL SIC. Sunt anni partes bis bine ver tepet estas (No. 108)

(iii) VEL SIC. Ver florum genitor estas nutricula fructus (ibid.)

(l) Si vetus exemplum non sufficit esse nouellum

(a)-(k) are from Matthew of Vendôme's *Ars versificatoria*, ed. E. Faral, *Les arts poétiques du XII^e et XIII^e siècles* (Bibliothèque de l'Ecole des hautes études 238; Paris, 1924), pp. 105-93; the last extract (l) appears to be an adaptation of Geoffrey of Vinsauf's 'In speculo montis' (Faral, p. 275). In Tx each piece (a)-(h) has a full blue initial; the remainder are separated by paragraph marks or slashes. Similar extracts are found in other anthologies: Vatican Reg. lat. 344 (above, p. 284); Hannover IV 524 (s. xiii: cf. G. H. Pertz, *Archiv* 8 (1843) 633-34); Bodley Lat. misc. d. 15 (above, p. 283); printed from a Vienna MS. (s. xv) by T. Wright and J. O. Halliwell, *Reliquiae antiquae* 2 (London, 1843), pp. 257-71. The extracts in Tx are the most extensive and were evidently taken, as the marginal notes (e.g. 'vel sic') show, directly from a text of Matthew.

21. Eugenius of Toledo ?

fol. 98r He sunt ambigene que nuptu dispare constant (7 lines)

Walther 7465. Ed. MGH *Auctores antiquissimi* 14. 258; the Tx text differs slightly.

22. Petrus Riga

fol. 98r (James?: Ausonius)

Quenam summa boni mens est sibi conscia recti (7 lines)

Walther 15065. *Floridus aspectus*, PL 171. 1410.

23. Hildebert

fol. 98r (James?: Hildebertus)

Nuper eram locuples multisque beatus amicis

Walther 12488. Ed. A. B. Scott, *Hildebertus: Carmina minora* (Leipzig, 1969), No. 22: Tx has lines 1-38 only and omits 23.

24. Arnulf of Lisieux ?

fol. 98v Sceua senescentis domine marcere decorem (12 lines)

Walther 17310. PL 201. 197-98.

25. Pseudo-Virgil : Moretum

fol. 98v Iam nox hibernas bis quinque peregerat horas

Ed. E. J. Kenney in *Appendix Vergiliana*, ed. W. V. Clausen and others (Oxford, 1966), pp. 155-63 from early MSS. The text in Tx is badly garbled and unascrbed.

26. Antifeminist Conflation

fol. 100v DE MULIERIBUS

Plurima cum soleant mores euertere sacros

This is a conflation of parts of originally separate poems: (1) Hildebert, *Carmina minora*, ed. Scott, No. 50; and (2) lines from Bernard of Morlais, *De contemptu mundi*, ed. T. Wright, *Anglo-Latin Satirical Poets* (RS 59.2; London, 1872), pp. 1-102. It consists of the following: Hildebert 50/1-28 (omitting 5-6, 21-22, and placing 23-24 after 25: cf. Scott's *apparatus criticus*), followed by Bernard pp. 57-58 'Femina nutibus ... vas lue plenum' (10 lines), 'Fossa libidinis ... obvia juri' (4 lines), and 'Femina cordibus ... atque colorat' (4 lines).

Bernard's *De contemptu mundi* seems to have been prone to excerpting: Corpus Christi College, Cambridge MS. 481 (s. xiii) contains four extracts corresponding to ALSP 2. 39-40, 31-32, 32-33, 57-59 (the last is the antifeminist section: the above references are to pages, as the Wright edition supplies no line numbers). Blank leaves in B.L. MS. Harley 2851 (s. xiii; additions c. 1300) are filled with two extracts (ALSP 2. 57 ff., 32-36). The antifeminist lines are particularly unstable: for a short poem based on them ('Femina perfida femina sordida'), see *Floridus aspectus*, PL 171. 1429; cf. also Carlo Pascal, 'Misoginia medievale', *Studi medievali* 2 (1906) 242-48, an edition of 'Femina nutibus actibus' from Milan, Ambrosian. F 118 sup. and Stroziano LXXXVIII. For 'Femina fetida' (in the St. Gatien MS.), see Wilmart, *Revue bénédictine* 48 (1936) 31. Cf. also Walther 6406.

27. Debate between an Englishman and a Frenchman

fol. 101r (Bale: Disputatio inter anglum et francum)

Anglia fex hominum pudor orbis et vltima rerum

fol. 101v EXPLICIT QUEDAM DISPUTACIO INTER ANGLICUM ET FRANCUM

Not in Walther. Ed. Wright, *Political Poems* 1. 91-93; unique to Tx. See Walther, *Das Streitgedicht*, pp. 180-81.

28. Simon Chèvre d'Or: Ylias (Rb No. 2)

fol. 102r (Bale?: Versus de bello troiano)

Diuciis ortu specie virtute triumphis

fol. 107r EXPLICIT

Walther 4645. Ed. M. M. Parrott (Diss. Toronto, 1976); see also A. Boutemy, *Moyen Age* 52 (1946) 243-56; *Scriptorium* 1 (1946-47) 267-88. TxRb present the poem in its earlier (A) form; Boutemy argued that there were three versions, of which the 'Trojan Extract' was the first, an amplified one (as in TxRb) the second, and the unique long Paris version the final product. Dr. Parrott, however, argues that the 'Trojan Extract' is simply a shortened text. On Simon, see (most recently) J. Stohlmann in *Hommages à André Boutemy*, ed. G. Cambier (Collection Latomus 145; Brussels, 1975), pp. 343-66.

29. Two couplets

fol. 107r (a) Ferueo languo ardeo wlneror vror amore
Leta pericula tristia gaudia sunt in amore
(b) Pauo pedem furis clamoris demonis atque
Angelicas pennas et capud anguis habet

(a) not in Walther; (b) Walther, *Sprichwörter* 21028.

30. **Geoffrey of Vinsauf**

fol. 107v Si liceat me parua loqui suspendite vocem

fol. 107v EXPLICIT

Walther 17765. Ed. B. Harbert (above, p. 282) from the Hunterian MS.; Tx has lines 1-32 only.

31. **Verses against Redheads**

fol. 107v (a) In rubea pelle non est animus sine felle (5 lines)

Walther 9087, *Sprichwörter* 12022.

(b) Raros breues humiles longos vidi sapientes

Albos audaces miror rufosque fideles

Walther 16421, *Sprichwörter* 26283 (Raro).

Part IV: fols. 108-131

32. **Nicholas of Caen : Satire against Monks** (conflated version)

fol. 108r (*Bale*: De monachis. *James*: Gualo Britannus. Claruit A° 1160)

Sacrilegis monachis emptoribus ecclesiarum

fol. 111r EXPLICIT

Ed. Wright, *Anglo-Latin Satirical Poets* 2. 201-7; on the author's name, see Wilmart, *Revue bénédictine* 48 (1936) 36. Wright's main manuscript was Tx (which he calls B), as is shown by the error *samitte* (p. 206); in his Introduction (p. xvii) he uses B as the siglum for Digby 65 and makes no mention of Tx. On the resulting confusion, see A. Boutemy, *Latomus* 1 (1937) 278-313, but Boutemy did not know that Tx was being used. The version in Tx is a conflation of two poems: (1) 'Sacrilegis monachis' (Walther 17011), (2) 'Que monachi querunt' (Walther 15005). The first was edited by H. Boehmer, 'Carmina in Simoniam et Romanorum Avaritiam', *MGH Libelli de lite* 3 (Hanover, 1897), pp. 697-710: there are three parts, (a) 'Sacrilegis monachis' (4 lines), (b) 'Ordo monasticus' (30 lines), (c) 'Presul amabilis' (10 or 11 lines). Some manuscripts have all three sections (e.g. Bodley, Digby 65 and Rawlinson G.109; B. L. Cotton Vitellius A.xii, Titus D. xxiv); some have only (b) (e.g. Copenhagen Fabricius 81, Caius College, Cambridge 211). The second poem, 'Que monachi querunt', is found separately in Digby 65 (on a later page) and in Paris, B.N. Lat. 11867. Tx has 1(a), 1(b), and 2, thus omitting the dedication to Hugo Diensis. Marginal slashes, perhaps for paragraph marks (see above, p. 287), appear in Tx against the lines 'Ordo monasticus' and 'Que monachi querunt', perhaps to separate the sections.

33. **(DE MODERATO STUDIO)**

fol. 111r (*Bale*: De moderato studio)

Pene girade galo scribo tibi pene girade

Ends fol. 111v

Walther 13561. Unedited. Also in Rawlinson G. 109 (26 lines) and Paris, B.N. Lat. 8207. 54 lines: Galo regrets Girard's absence, tells him not to work too hard; death seeks

out the brilliant, ignoring dull people like Cocca; Girard must not behave like Cocca, and must avoid him.

34. Poem about a Pederast

fol. 111v *Parcus amans puerum natum mentitur amore*

Not in Walther. Unedited; also in Rawlinson G. 109. The poem consists of five elegiac couplets; the text is corrupt and the meaning not entirely clear.

35. Advice to a Beautiful Boy

fol. 111v *Stella iubarque soli lampasque similima soli*

Not in Walther. Unedited; also in Rawlinson G. 109. There are 34 leonine hexameters, advising the boy to avoid sin, not to be too solemn, but to heed advice.

36. Pseudo-Hildebert

fol. 112r *DE DIE NATALIS DOMINI*
 Sol hodie nobis apparuit vnus et alter

Walther 18377. *Floridus aspectus*, PL 171. 1435-36; often printed.

37. Pseudo-Hildebert

fol. 112v *AD AVARUM PROMISSOREM*
 Pollicitis diues honeras milo munere paucos

Walther 14223. *Floridus aspectus*, PL 171. 1447.

38. Hildebert

fol. 112v *Cura (for Tura) piper gemmas argentum mirina vestes (4 lines)*

Walther 19283. Ed. Scott, No. 9.

39. Hildebert

fol. 112v *Milo domi non est peregre milone profecto (4 lines)*

Walther 11062. Ed. Scott, No. 7.

40. Pseudo-Hildebert

fol. 112v *AD ROMAM DE DESENSU SUI*
 Roma nocens manifesta docens exempla nocendi

Walther 16855. *Carmina indifferentia*, PL 171. 1441-42; followed by six lines, inc. 'Roma pati didicit' (Walther 16855a), without a break.

41. Serlo de Wilton

fol. 113v *AD REGEM*
 Nitor ad impar opus et apolline scribo sinistro

Walther 11814. Ed. J. Öberg, *Serlon de Wilton: poèmes latins* (Stockholm, 1965), pp. 124-25, using Tx among others.

42. Epitaph on a Soldier Poet

fol. 113v O vates equitesque pii deflete sepultum

Walther 13032a. Ed. A. Boutemy, *Revue belge de philologie et d'histoire* 22 (1943) 15 (see above, p. 284).

43. Marbod ?

fol. 113v Virginitas flos est et virginis aurea dos est

Walther 20475. PL 171. 1653; often printed.

44. Rufus and Corinna

fol. 114r (*Bale*: ad Adamum (?) Rufum)

(a) Rufe doles et flere soles quod pulcra corinna

(b) An doleam flens propter eam vir lumine casse

Walther 16920. Unedited. Found together also in Rawlinson G. 109 and Bodley, Laud lat. 86.

45. Epitaph of a Symoniac

fol. 114r Hic situs est quem non decuit vt dedecus et quem

Walther 8111. PL 171. 1599.

46. Embricon de Mayence : Vita Mahumeti

fol. 114v (*Bale*: Historia Mahumeti)

Heu quot sunt stulti miseranda fraude sepulti

Ends fol. 128v

Walther 7807. Ed. G. Cambier, *Embricon de Mayence: la vie de Mahomet* (Collection Latomus 52; Brussels, 1962), using Tx among others; see also *Latomus* 16 (1957) 468-79 and 20 (1961) 100-15, 364-80.

47. Albinus and Rufinus

fol. 129r (*Bale*: De Romanis)

Martiris Albini seu presulis ossa rufini

Walther 10737. See Lehmann, *Parodie*, 2nd ed., pp. 25-29.

48. Grammatical Extracts

fol. 129r (a) Porticus egiptus sinodus cristallus abyssus (3 lines)

Walther 14283; also in the St-Martin MS. (above, p. 282). Feminine nouns in -us.

(b) Liber id est bachus uel uir sine compede natus (3 lines)

Graecismus 9. 171-74 (last two lines conflated). Meanings of *liber*.

(c) Si rogo componis ab destruit arque superbit (3 lines)

Cf. *Graecismus* 15. 81-83. Compounds of *rogo*.

(d) Est pila pes pontis pila ludus pila taberna (2 lines)

Walther 5805. *Graecismus* 12. 394-95. Meanings of *pila*.

(e) Discite quid glos est lignum femina flos est (4 lines)

Walther 4572. Cf. a different verse in *Graecismus* 12. 192. Meanings of *glos*.

(f) Penitet et tedet miseret pudet et piget ista (2 lines)

Graecismus 16. 31-32; *Doctrinale* 1257-58. Impersonal verbs with accusative.

(g) Campester volucer alacerque saluber equester (3 lines)

Cf. Walther 18215. *Graecismus* 13. 153-55; *Doctrinale* 583-85. Declensions in *-er*.

(h) Queritur cum qua sillaba d littera in hac dictione 'prodest' sillabice-
tur ... (6 lines of prose)

Eberhardi Bethuniensis Graecismus, ed. J. Wrobel (Breslau, 1887); *Das Doctrinale des Alexander de Villa-Dei*, ed. D. Reichling (Monumenta Germaniae Paedagogica 12; Berlin, 1893).

49. Edward III's Wars : Truce of 1347 (Rb No. 15)

fol. 129v (Bale: Exhortatio ad Anglos)

Cantica leticie mundi flos anglia promat

Ends fol. 131r (Amen). (Bale: Baston)

Walther 2388. Ed. Wright, *Political Poems* 1. 53-58 from TxRb (sole witnesses).

Part V: fols. 132-155

50. Babio

fol. 132r COMEDIA BABIONIS (Bale: Comedia Babionis)

Me dolor infestat foris intus iugiter omnis

fol. 137v EXPLICIT COMEDIA BABIONIS

Walther 10821. Ed. E. Faral (Bibliothèque de l'Ecole des hautes études 293; Paris, 1948); from Digby 53 by A. K. Bate (Toronto, 1976), with texts of the *Geta* and *Pamphilus*. Faral links Tx with Lincoln Cathedral MS. 105 and Berlin Lat. phil. 193, against Bodley 851 and Digby 53.

51. Vitalis of Blois : Geta

fol. 138r (Bale: Jete comedia)

Grecorum studia nimiumque diuque secutus

fol. 144r EXPLICIT JETA

Walther 7272. Ed. E. Guilhou in *Comédie latine*, ed. G. Cohen, 1 (Paris, 1931), pp. 1-57, without reference to Tx or any English MS. For a study of the manuscripts, see R. Avesani, *Quattro miscellanee medioevali e umanistiche* (Rome, 1967); cf. also on No. 50.

52. Pamphilus

fol. 144v (Bale: Pamphili liber)

Vulneror et clausum porto sub pectore telum

fol. 154r EXPLICIT LIBER PAMPHILI

Walther 20868. Ed. F. G. Becker (Beihefte zum Mittellateinisches Jahrbuch 9; Düsseldorf, 1972), using Tx among others; cf. also on No. 50.

53. Pseudo-Virgil : *De rosis nascentibus*

fol. 154r Ver erat et blando mordencia frigora sensu

fol. 154v EXPLICIT EXPANSIO ROSARUM VIRGILII

Walther 20127. Ed. W. V. Clausen in *Appendix Vergiliana* (Oxford, 1966), pp. 155-63, from early MSS. Sometimes attributed to Ausonius: see MGH *Auctores antiquissimi* 5. 2 (Berlin, 1883), pp. 243-45.

54. Story of the Twins

fol. 154v (*Bale*: Decretum inter gemellos)

Roma duos habuit res est non fabula vana

Ends fol. 155v

Walther 16848. Ed. from St. Omer 115 by Fierville (above, p. 284), and from the Zürich collection by Werner (above, p. 286). For Bernard Silvester's authorship, see E. Faral, *Studi medievali* N.S. 9 (1936) 79. There is a copy in the MS. described by Vernet: see No. 58 below.

*Part VI: fols. 156-*164*

55. Apocalypsis Goliae (Rb No. 17)

fol. 156ra APOCALIPSIS GULIARDI (*Bale*: Apocalipsis Guliardi seu potius Golie pontificis)

A tauro torrida lampade cynthii

fol. 158rb EXPLICIT. ISTE EST APOCALIPSIS EPISCOPI GOLIE

Walther 91. Ed. K. Strecker (Rome, 1928), using Tx among others (but not Rb).

56. Petrus Riga : Susanna

fol. 158v DE SANCTA SUSANNA

Hactenus arrisit susanne gracia fame

fol. 160v EXPLICIT DE SUSANNA OPUS

Walther 7450. Ed. J. H. Mozley, *Studi medievali* N.S. 3 (1930) 27-52, using Tx among others. The poem forms part of the *Aurora*, ed. P. Beichner (Notre Dame, 1965), I. 360-67, but is popular on its own: it is, for example, in the *Floridus aspectus*, Vatican Reg. lat. 344, and Bodley Lat. misc. d. 15.

57. The Husband's Complaint

fol. 161r CAUSA DE MULIERE

Quos legite rotulus rotat oris flosculus ornat

Ends fol. 161v

Walther 16419 (s. Rarius in terris = Tx line 3). *Floridus aspectus*, PL 171. 1453-54: Tx differs slightly. Tx has only the first part, in which the husband falsely accuses the wife of adultery. For a fragmentary copy, see Mozley on Lat. misc. d. 15 (above, p. 283); the Ar-

senal MS. of the *Floridus aspectus* has the opening couplet as in Tx — see Boutemy, *Latomus* 8 (1949) 162 (above, p. 283).

58. A Lover's Lament

fol. 161v Ve quid agam plagam sub mesto pectore gesto
 Ends fol. 162r

Not in Walther. For another text (of the same length), see A. Vernet in *Bulletin de la société nationale des antiquaires de France* 1952-53, pp. 52-53, who describes a privately owned manuscript (s. xiii); see P. Dronke, *Medieval Latin and the Rise of European Love-Lyric*, 2nd ed. (Oxford, 1969), 2. 575.

59. (DE DIVERSIS STATUBUS HOMINUM) (Rb No. 22)

fol. 162va (*Bale*: Baston)
 Totum regis seculum pape potestate
 fol. 163vb EXPLICIT

Walther 19338. Ed. Wright, *Mapes*, pp. 229-36 from TxRb (sole witnesses); in Tx there are marginal headings, 'De papa' etc.

60. Satire against Monks

fol. 163vb (*Bale*: De monachis)
 Noctis crepusculo brumali tempore
 fol. 164rb EXPLICIT DE MONACHIS (*James*: per Gual. Map)

Walther 11891. Ed. Wright, *Mapes*, pp. 187-90, and more fully in my unpublished thesis, *An Edition of a Fifteenth-Century Commonplace Book (Trinity College, Cambridge MS. 0.9.38)* (Oxford, 1966), 1. 2-7, 2. 197-202; for the relationship between the manuscripts, see my *Glastonbury Miscellany* (above, p. 282), pp. 42-43. The poem is written over an erased copy of the 'De coniuge non ducenda': see on No. 5 above.

*Part VII: fols. 165-*175*

61. Debate between Body and Soul

fol. 165ra (*Bale*: Disputatio inter corpus et animam)
 Noctis sub silencio tempore brumali
 fol. 166vb EXPLICIT DISPUTACIO INTER CORPUS ET ANIMAM ...

Walther 11894. Ed. Wright, *Mapes*, pp. 95-106 from English MSS. including Tx. Walther, *Das Streitgedicht*, pp. 63-74, 211-14, lists 132 manuscripts, to which the Appendix and Nachträge to Walther's *Initia* add yet more.

62. (DE MISERIA MUNDI)

fol. 166vb ... ET INCIPIT DE MISERIIS MUNDI
 Ecce mundus moritur viciis sepultus
 fol. 167ra (*James*: Gual. Map) EXPLICIT DE MUNDI MISERIIS ...

Walther 5114. Ed. Wright, *Mapes*, pp. 149-51 from English MSS. including Tx. On the close relationship between Nos. 61 and 62, see Walther, *Das Streitgedicht*, pp. 63-74, 211-14: he marks the manuscripts which link the two poems 'E.h.' and 'E.v.'.

63. (CONVOCACIO SACERDOTUM)

fol. 167ra INCIPIT QUEDAM CONVOCACIO SACERDOTIS

Nouus rumor anglie partes pergirauit

fol. 167rb (*Bale*: sub rege Joanne. *James*: Gual. Maps)

Walther 12337. Ed. Wright, *Mapes*, pp. 180-82 from Tx and Cotton Vitellius A. x. A longer version (45 stanzas) is extant in Bodley 851; another version, sharing some of Bodley's stanzas, is in Trinity College, Cambridge 0.2.45 (s. xiii). There are several other manuscripts, but no critical edition. See Lehmann, *Parodie*, 2nd ed., pp. 112-17, but note that the English manuscripts clearly separate 'Novus rumor' from 'Prisciani regula' and 'Clerus et presbiteri'.

64. (DESCRIPCIO NORTHFOLCHIE) (Rb No. 24)

fol. 167va (*Bale*: De Norfolcianorum moribus seu descriptio Norfolchie / Per monachum petroburgensem)

(E)xiit edictum ab augusto cesare

Ends fol. 168rb, incomplete (*Bale*: deficient xv)

Walther 6074. Ed. T. Wright, *Early Mysteries and Other Latin Poems of the XIIth and XIIIth Centuries* (London, 1838), pp. 93-106 from three MSS. For a full edition, see my thesis (see No. 60 above), 1. 146-56, 2. 356-70; see also my *Glastonbury Miscellany*, pp. 81-82.

65. John of St. Omer (INPUGNACIO DESCRIPCIONIS) (Rb No. 25)

fol. 168va (*Bale*: Descriptionis impugnatio / Per Joannem de S. Omero)

Edictum fingitur factum a cesare

Ends fol. 170vb (*Bale*: Joannes de S. Omero)

Walther 5239. Ed. Wright, *Early Mysteries* (see on No. 64) from TxRb (sole witnesses); the argument follows the *Descriptio* closely, but was written for an earlier version than that represented by TxRb (thesis, 2. 358).

66. The Incarnation

fol. 170vb (*Bale*: De Christo et ecclesia)

(M)ultis a confratribus pridie rogatus

Ends fol. 171vb

Walther 11395. Ed. Wright, *Mapes*, pp. 31-36 from five English MSS. including Tx.

67. Walter of Wimborne

fol. 171vb (*James*: De Maria Virgine. G. Map)

Pone scribencium tot esse milia

Ends fol. 175rb

Walther 14232. Ed. Wright, *Mapes*, pp. 191-207 (notes by D. Kuyper, *Mittelateinisches Jahrbuch* 10 (1975) 206-16). This is the short B-text of Wimborne's *Marie carmina*, to be published shortly: see *Mediaeval Studies* 33 (1971) 371-78. The full poem is about four times the length of the B-text.

Part VIII: fols. 176-179

68. (DE CURIALITATE)

fol. 176r Audi disce modum cenandi si tibi fausto
 Ends fol. 179v

Walther 1694. Ed. F. J. Furnivall, *Education in Early England* EETS, O. S. 32 (London, 1868), Part II, 34-56 from Tx only (308 lines). There is another copy in B. L. Arundel 52 (s. xiii/xiv), fol. 66v, which ends at line 293 of the EETS edition.

RAWLINSON B. 214: DESCRIPTION OF THE MANUSCRIPT

228 leaves (formerly 234). Parchment and paper; parchment clean and white, but often holed and uneven at the edges. The original leather and wood binding has been repaired, the manuscript rebound, and single paper flyleaves added at the beginning and end.

Leaves measure approximately 286 × 202 mm. (apart from quire xv). Writing area 199 × 120 mm.; framed and ruled in dry point: each leaf was ruled separately, as the variable number of lines (between 26 and 33 per page) shows. Long-line format, except for fols. 137-148, inserted in quire xi.

The whole manuscript, except fols. 137-148, was written in a fine Bastard Anglicana by a single scribe, John Wilde (see below, p. 312); the inserted leaves are written in a small neat script, perhaps also Wilde's in a different style.

Red ink is used lavishly, for running heads, chapter headings (in the text or the margin), proper names, initials, and decoration, and initials are often touched in red. Wilde wrote continuously, using brown or red ink as necessary: for example, the 'auctoritas' for each stanza of Nos. 8 and 20 is written in red, at the same time as the rest of the text. Running heads are provided for the first few folios of each book of No. 1, and throughout Nos. 12 and 30. Proper names are frequently given capital initials.

Physical make-up

With some exceptions, each quire consisted (before loss of leaves) of paper leaves supported by inner and outer bifolia of parchment. As in Tx, blanks at the end of gatherings, and some wear, indicate that the manuscript was compiled in booklets:

Part I (fols. 1-149, quires i-xi)

i⁷ (fols. 1-7, formerly 1-13): fols. 8-13 lost since writing and foliation; original first leaf (matching fol. *13) lost — fol. 1 is clean and must once have been protected. Original quire therefore i¹⁴, standard (parchment-paper-parchment) pattern.

- ii¹⁶ (fols. 14-29): outer leaves remounted. Standard pattern.
 iii¹⁵ (fols. 30-44): leaf lost after fol. 43 after writing. Outer leaves remounted; standard pattern.
 iv¹⁶-vii¹⁶ (fols. 45-108): outer leaves remounted in vi; standard pattern.
 viii⁸ (fols. 109-116): no inner parchment. Text shows loss of 28 lines after fol. 112v, indicating missing singleton (with verso blank).
 ix⁷ (fols. 117-123): six paper leaves with added parchment singleton (fol. 123).
 x¹² (fols. 124-135): ten leaves, with outer parchment bifolium (remounted); singleton (parchment, fol. 129) inserted in centre; single paper leaf (fol. 134) inserted.
 xi¹⁴ (fols. 136-149): gathering of twelve paper leaves (in a different hand) inserted in a parchment sleeve.

Part II (fols. 150-166, quire xii)

- xii¹⁷ (fols. 150-166): fol. 157 singleton insert; standard pattern. The quire has been reversed by turning inside out (see fig. 2, p. 290, and cf. Part IV).

Part III (fols. 167-181, quire xiii)

- xiii¹⁵ (fols. 167-181): last parchment leaf lost, probably after writing but perhaps blank (see below, pp. 325-26); originally standard pattern. Fols. 168 and 181 remounted.

Part IV (fols. 182-194, quire xiv)

- xiv¹³ (fols. 182-194): gathering of twelve paper leaves, singleton parchment insert (fol. 188) in the centre; the quire has been reversed by turning inside out (see fig. 2 and cf. Part II) — the singleton would once have been the front outer leaf.

Part V (fols. 195-233, quires xv-xvii)

- xv⁷ (fols. 195-201): small parchment leaves for diagrams; outer edgings added for commentary; fol. 197 an insert.
 xvi¹⁵ (fols. 202-216): outer parchment sleeve, singleton parchment leaf inserted in centre of gathering (fol. 209).
 xvii¹⁷ (fols. 217-233): standard pattern; singleton (parchment, fol. 232) inserted. Fol. 234 is an old parchment pastedown.
 There are no catchwords or quire numbers in the manuscript.

Watermarks: quires i-iii, vii, balance in circle (cf. Briquet Nos. 2445 ff., all mid-fifteenth century);²⁴ quires iv-vi, viii-x, xii-xiv, xvii, stag's head surmounted by star (Briquet Nos. 15498 ff., 1360-87; Mošin-Traljić Nos. 2219 ff., 1387-90); quire xi, flower on stalk (Briquet Nos. 6463, 6512, etc.; Mošin-Traljić No. 4035, 1398); none visible in quire xvi. Thus, the same paper (stag's head) was used in all five parts of the manuscript, and different kinds of paper were used to make up Part I.

Procedure of Compilation

The first seven quires consist of a 14 and six 16's to accommodate Walsingham's treatise (No. 1); the remaining quires of Part I (viii-xi) are of varied sizes and may have been added piecemeal to accommodate the poems. Parts II, III, and IV each consist of single quires, probably made up separately. Part V consists of three quires of different sizes, to accommodate the diagrams and treatise. The same stocks of paper were used for the whole manuscript. Wilde seems to have compiled the manuscript as he went along, on an *ad hoc* basis. This is suggested by: the ruling of lines by leaf rather than by quire; the addition of singletons (perhaps accounting for the many lost leaves); the uneven quality of the parchment; the variety of stocks of paper; the absence of catchwords and quire numbering. On the other hand, the generous size of the pages and the lavish rubrication show that Wilde was very concerned about the appearance of his manuscript; also, unlike the compiler of Tx, he had definite plans for the order of the contents, though the plans were not always successful (below, pp. 312, 329-30).

Plan of Contents

Part I (fols. 1-149): No. 1 Trojan History; Nos. 2-14 historical texts and poems.

Part IIA (fols. 150-158): Nos. 15 (historical poem) and 16 (Kalendare); fol. 158v blank.

Part IIB (fols. 159-166): Nos. 17 (Apocalypsis Goliae) and 18 (historical poem of about 1430, perhaps added).

Part III (fols. 167-181): Nos. 19-24 satirical poems, ending with the 'Descriptio Northfolchiaie'; last leaf lost.

Part IVA (fols. 182-187): Nos. 25 (reply to the 'Descriptio') and 26 (antimonastic satire); fol. 187v blank.

Part IVB (fols. 188-194): No. 27 historical poem; fol. 194v blank.

Part V (fols. 195-233): Nos. 28-30 mythography.

²⁴ C. M. Briquet, *Les filigranes*, 4 vols. (Geneva, 1907); V. A. Mošin and S. M. Traljić, *Vodeni Znakovi XIII i XIV Vjeka (Filigranes des XIII^e et XIV^e siècles)*, 2 vols. (Zagreb, 1957).

Wilde seems to have had two 'programmes', one historical (Parts I, IIA, No. 18, and IVB), the other 'Goliardic' (No. 17 and Parts III and IVA). Parts III and IVA must remain in their present order because of the Norfolk poems. No reordering of quires or reversals of Parts II and IV will allow an unbroken sequence of either satire or history. Wilde seems to have followed his two programmes simultaneously, filling booklets, making additions on blank leaves, and turning quires inside out: in the final assembling of the whole codex the *anacolutha* became apparent. The present order is the most satisfactory.

Date

The latest datable entry in the manuscript is No. 16, the Kalendare: interlinear rubric glosses signal specific historical events, the last of which reads: 'Robin of ridesdale interfecit dominum herbert'. This refers to the Northern revolt of 1469 (see DNB s.v. Robin of Redesdale).

Provenance

At the end of No. 30 (fol. 233r) is a short verse, ending:

Perscripto libro reddatur gloria Christo. quod J. Wylde
Nomen scriptoris est Jhon Wilde plenus amoris.

This John Wilde is identical with the scribe and compiler of the musical collection B.L. MS. Lansdowne 763;²⁵ his name or initials appear there on fols. 51v, 94v, 98v, and especially in the heading on fol. 2r:

Hunc librum vocitatum Musicam Gvidonis scripsit Johannes Wylde
quondam exempti monasterii Sancte Crucis de Waltham precentor.

Lansdowne 763 was written by one hand, unmistakably that of Rb, which it also resembles in decoration; one of its texts (No. 16) is 'Regule Magistri Thome Walsingham de figuris compositis et non compositis et de cantu perfecto et imperfecto et de modis' (cf. Rb No. 1).²⁶ There is no doubt that Rb itself was also written at the Augustinian Abbey of Holy Cross at Waltham, Essex.²⁷ Nothing more is known of John Wilde, whose name does not appear in any of the standard biographical indexes.²⁸

25 O. Pächt and J. J. G. Alexander, *Illuminated Manuscripts in the Bodleian Library, Oxford*, 3 vols. (Oxford, 1966-73), 3. 1024, where Rb's diagrams are briefly described.

26 The fullest account is by W. Winters, 'Historical Notes on Some of the Ancient Manuscripts formerly Belonging to the Monastic Library of Waltham Holy Cross', *Transactions of the Royal Historical Society* 6 (1877) 203-66; see also N. R. Ker, *Medieval Libraries of Great Britain*, 2nd ed. (London, 1964), pp. 193, 312.

27 See also above, p. 292.

28 The soubriquet 'plenus amoris' is part of a common fifteenth-century scribal jingle: cf. MS.

Later history

There are some marginal notes in a near-contemporary hand on the diagrams (No. 28) and the treatise on Ovid (No. 30). The names 'Johannes Laure (*or* Lanre)' and 'Joh. Lar.' appear on fol. 233v in a sixteenth-century hand. Otherwise nothing is known of Rb until it came to the Bodleian Library with the collection of Richard Rawlinson in 1756; there are a few eighteenth-century notes.

RAWLINSON B. 214: CONTENTS²⁹

Part I: fols. 1-149

I. Thomas Walsingham: 'Dites ditatus'

- fol. 1r EXCIDIUM TROIANORUM SECUNDUM DITEM GRECUM
 Scriptor egregius obsidionis ...
- fol. 106r FINITUR HISTORIA TROIANA A DITE GRECO ALITER GNOSIO
 ET CRETENSI EDITA SED A FRATRE THOMA WALSYNGHAM
 MONACO VEROLAMENSI .S. EXEMPTI MONASTERII SANCTI
 ALBANI DECLARATA ET HISTORIIS ET POEMATIBUS AM-
 PLIATA DIVERSIS AC DITATA. UNDE PLACUIT DITANTI HUNC
 TRACTATUM VOCARE DITEM DITATUM

Unedited. For an account, see V. H. Galbraith, *St. Albans Chronicle 1406-1420* (Oxford, 1937), pp. xlii-xliv, and R. van Kluve, *Thomae Walsingham De archana deorum* (Durham, N.C., 1968), pp. x-xi. The work, in six books, rephrases the *Ephemeris belli Troiani* by Dictys Cretensis, but with much additional material, often signalled by a large **T** in the margin (the zero symbol is also used, but its significance is not clear). The *Dites ditatus* was written after the *Archana deorum* (to which it refers on fol. 69v); the latter was written after 1396 or 1397, when Simon Southerey (to whom the *Archana* is dedicated) became Prior of St. Albans, remaining in office until at least 1405. Walsingham was scriptorarius at St. Albans 1350-1394, Prior of Wymondham 1394-1409, and back at St. Albans until his death c. 1422. On his historical writings, see C. L. Kingsford, *English Historical Literature in the Fifteenth Century* (Oxford, 1913), pp. 12-44; his other literary works include a *Historia Alexandri* (Bodley MS. Douce 299) and the *Prohemia poetarum*, a collection of *accessus* (B.L. Harley 2693). On his musical treatise,

Bodley 643 (S.C. 2256, s. xv) fol. 255v 'Nomen scriptoris Jon. semper plenus amoris / Esteby cognomen cui semper det Deus homen' (i.e. John Esteby, vicar of Banbury, ?1436-?1470), and MS. Bodley 493 (S.C. 2097, s. xv) fol. 55v 'Nomen scriptoris Robertus plenus amoris'. I owe these references to Dr. M. M. Parrott. See also Chaucer, *Canterbury Tales* 7. 900 for mention of romances 'Of sir Lybeux and Pleyndamour', and Robinson's note *ad loc.* for references to Cambridge, University Library MS. Ff. 1.6 and MS. Bodley 264 (S.C. 2464, s. xv addition).

²⁹ Presentation is as for Tx (see n. 23 above), except that I have omitted the word 'incipit' from the titles. For the citation 'Kingsford', see on No. 1.

see above p. 312. In the drawings (No. 28 below) Wilde has added notes from the *Dites ditatus*; for parallels between the *Expositio metamorphoseos* (No. 30) and Walsingham's *Archana deorum*, see below, p. 324.

2. Simon Chèvre d'Or : Ylias (Tx No. 28)

fol. 107r DESCRIPCIO ET RECAPITULACIO METRICA DE BELLO
TROIANO SECUNDUM

Diuiciis ortu specie virtute triumphis

Ends incomplete at foot of fol. 112v

Walther 4645. See on Tx No. 28. 28 lines are lacking, which would occupy about a page: either a singleton or a bifolium is missing at the centre of the gathering. The absence of a name after *secundum* probably shows that Wilde simply hoped to discover the author.

3. Thomas Elmham : Verse History of Britain

fol. 113r (a) QUOTO ANNO AB ORIGINE MUNDI BRUTUS VENIT IN
ALBION. ET QUOT ANNIS ANTE ROMAM. QUOT ANNIS ETIAM
ANTE CHRISTI INCARNACIONEM. ET QUO ANNO BRITONES
FIDEM CHRISTI ACCEPERUNT. ET QUO ANNO HENGISTUS
VENIT ET FIDES BRITONUM CORRUIT. ET ANGLI REGNAVE-
RUNT ET FIDEM CHRISTI ACCEPERUNT. SECUNDUM
MAGISTRUM THOMAM ELMHAM PRIOREM DE LENTON

Bis bis mille quidem decies senis tribus annis

fol. 113v (b) DE REGIBUS CHRISTIANIS POST SANCTI AUGUSTINI AD-
VENTUM SECUNDUM MAGISTRUM T. ELMHAM

Rex Ethelbertus Christo stat crismate certus

fol. 114r (c) DE REGIBUS ANGLIE POST CONQUESTUM SECUNDUM
MAGISTRUM THOMAM ELMHAM MONACHUM ET PRIOREM DE
LENTON

Anglis conquestor Willelmus hic est tibi testor

fol. 114r EXPLICIUNT REGES

None of these poems recorded by Walther or previously noticed or printed: the last one ends with the death of Henry V. They are the verse counterpart to Elmham's unpublished *Cronica regum Angliae* (extant in a lavish but deficient copy in B. L. Cotton Claudius E. iv); the *Cronica*, compiled March-December 1416, is in tabular, annalistic form; it was intended to be divided into three periods, Hengist to Augustine, Augustine to the Conquest, and the Conquest to the present (the Cotton MS. breaks off at 1389), a division corresponding to these three poems. On the *Cronica*, see F. Taylor, 'A Note on Rolls Series 8', *Bulletin of the John Rylands Library* 20 (1936) 379-82. Dr. Taylor informs me, in a private communication, that he published these verses in part as Appendix B of his Ph. D. dissertation in 1938 (which I have not seen); he also notes that some of them occur 'in a Chronicle Roll of St. Augustine's Abbey, Canterbury, completed about 1450 and later owned by Samuel Pepys'. Dr. Taylor is preparing a book on Elmham. On this author, see also Nos. 11-13 below.

4. John Whethamstede

fol. 114v DE REGIBUS ANGLIE ET EORUM CONDICIONES A CON-
QUESTU SECUNDUM MAGISTRUM JOHANNEM WHETHAM-
STEDE ABBATEM VEROLAMENSEM .S. SANCTI ALBANI

Natu dux primo conquestu rexque secundo

fol. 114v EXPLICIT DESCRIPCIO REGUM ANGLIE A CONQUESTU
SECUNDUM MAGISTRUM J. W. UT SUPRA

Not in Walther or previously noticed or printed: it ends in the reign of Henry VI. Whethamstede was abbot of St. Albans 1420-1440 and again 1451-1465. On his literary works and activities, see (in addition to the articles in DNB and Emden, BRUO) E. F. Jacob, 'Florida verborum venustas', *Bulletin of the John Rylands Library* 17 (1933) 266-78, and R. Weiss, *Humanism in England in the Fifteenth Century*, 2nd ed. (Oxford, 1957), passim. A list of his works is given in *Amundesham's Chronicle*, ed. H. T. Riley (RS 28/5.2; London, 1871), p. 270. His literary works are unpublished, including the huge *Granarium*, a classical encyclopedia, and the *Palearium poetarum*, a collection of classical proverbs and sayings. On his historical works, published in the Rolls Series, see Kingsford, *English Historical Literature*, pp. 151-54.

5. Wars of Edward III (a-b = Tx Nos. 15, 17a)

fol. 115r (a) GESTA BELLICOSA EXCELLENTISSIMI PRINCIPIS DOMINI
EDWARDI WYNDESHORE REGIS ANGLORUM III, ET PRIMO DE
BELLO CRESCY ET NEVYLECROSSE

Francia feminea pharizea vigoris ydea

Walther 6833. See Tx No. 15.

fol. 121r (b) NUMERUS ANNORUM CHRISTI ET INTERFECTORUM IN
BELLO DE CRESCY

Annis bis sex C quater X bis ter simul et C

Walther 1091. See Tx No. 17 (a).

fol. 121r (c) PROPHECIA DE MUTACIONE ARMORUM REGIS ANGLIE .S.
LEOPARDI

Anglia transmutet leopardum lilia galli

fol. 121r EXPLICIT PROPHECIA

Walther 1026. Unedited.

fol. 121r (d) ARMORUM MUTACIO ET DOMINI REGIS EDWARDI DE
TITULO REGNI FRANCIE IUSTA PETICIO PER MATRIMONIUM
ET BELLI VICTORIAM

fol. 121v Rex sum regnorum bina racione duorum (5 lines)

INVECCIO GALLICI CONTRA DOMINUM REGEM ANGLIE PRO
MUTACIONE ARMORUM

Lilia Francorum Rex Karole septime regum

Sunt tua cum regno si qua est reuerencia legum

IUSTA RESPONCIO ANGLICI PRO MUTACIONE ARMORUM

Lilia Francorum decensu progenitorum

Iam sunt Anglorum si lex valet ulla priorum

Wilde has combined two poems. The first (Walther 16784, ed. Wright, *Political Poems* 1. 26 from Rb) refers to Edward III's new quartering of his arms, to include the fleur de lys, in 1339; the pair of couplets (Walther 10324, ed. Wright, *Political Poems* 2. 230) must have been written after the coronation of Charles VII of France, in July 1429. In MS. Harley 200 fol. 143v the first verse is found, as here, followed by two couplets appropriate to Edward III and 1339. The group of verses is a miniature counterpart to the huge collections made by Thomas Bekynton (B.L. Harley 861 and 4763) in support of Henry VI's claims to the throne of France. Cf. the next item.

6. Note on Queen Emma

fol. 121v (margin: CRONICA DE PARENTIBUS SANCTORUM EDWARDI MARTIRIS ET SANCTI EDWARDI CONFESSORIS ET DE HAROLDO)

Emma regina filia fuit ... (6 lines of prose)

This note, added later by Wilde, appears to support descent through the female line and thus Henry VI's claims on the French throne (see No. 5 above). It is interesting that in 1469 Wilde was still interested in earlier political problems.

7. Edward III's Wars in Scotland (a-b = Tx Nos. 16, 17 (b))

fol. 122r (a) BELLUM SCOCIE 'APUD WIRAM' UBI DAVID REX SCOTORUM PER EXCELLENTISSIMUM PRINCIPEM DOMINUM EDWARDUM 3um REGEM ANGLIE FUIT CAPTUS CUM ALIIS

Dux Waleys hinnit Francia grunnit territa tinnit

fol. 125v AMEN

Walther 5041. See Tx No. 16.

fol. 125v (b) NUMERUS INTERFECTORUM IN BELLO ET DIES BELLI ET CONCLUSIO FINIS

Fastu commotos percussit et Anglia scotos

fol. 125v EXPLICIT BELLUM

Walther 6273. See Tx No. 17 (b).

fol. 125v (c) Est omnis scotus Sampson Salamon leo totus
Sampson se necuit. Salamon post ydolatrauit
Est leo famelicus. sic omnis scotus iniquus

Walther 5786. Copies in Bodley 851 flyleaf (see below, p. 327) and Caius College, Cambridge 86 (168), flyleaf, each differing slightly. In the Caius Catalogue, James mentions another copy in Emmanuel College MS. 142 (2.2.17) (s. xv, Norwich).

8. Edward I's Scottish Wars (Tx Nos. 6, 17 (c))

fol. 126r (a) (gap left for heading)

Ludere volentibus ludens paro liram

fol. 130r AMEN

Walther 10450. See Tx No. 6.

fol. 130r (b) CONCLUSIO ET FINIS BELLI
Reges dux et comites (4 stanzas)

Not in Walther. See Tx No. 17 (c), where the verses are applied to the wars of Edward III. Both TxRb end with a proverb 'subdola Scotorum gens laudem perdit honorem'.

9. Death of Edward III

fol. 130r (a) PROHEMIUM IN EPITAPHIUM DOMINI EDWARDI REGIS
ANGLORUM 3ii

Regis in Edwardi bene debeo funere flere

fol. 130r EXPLICIT PROHEMIUM

fol. 130v (b) EPITAPHIUM DOMINI EDWARDI REGIS ANGLORUM 3ii
Qui quinquaginta felices fecerat annos

fol. 133r EXPLICIT EPITAPHIUM EXCELLENTISSIMI PRINCIPIS ET FLO-
RIS MILICIE DOMINI EDWARDI REGIS ANGLIE 3ii

Walther 16527, 15621. Ed. Wright, *Political Poems* 1. 219-24; unique to Rb.

10. Black Prince in Spain (Tx No. 2)

fol. 133r BELLUM HISPANIE PER PRIMOGENITUM DICTI DOMINI ED-
WARDI REGIS EDWARDUM

Gloria cunctorum detur domino dominorum

fol. 134r EXPLICIT BELLUM HISPANIE SUB PRINCIPE EDWARDO PRI-
MOGENITO REGIS EDWARDI 3ii

Walther 7224. See Tx No. 2.

11. Thomas Elmham: to Henry V

fol. 134r (a) EPISTOLA SACRE THEOLOGIE PROFESSORIS MAGISTRI
THOME ELMHAM MONACHI DE LENTON PROPE NOTYNGHAM.
AD REGEM HENRICUM 5um PRO OPERE SEQUENTI

O 'Rex mi' domine sape que tibi scribere duxi

fol. 134v EXPLICIT EPISTOLA MAGISTRI THOME ELMHAM AD REGEM
HENRICUM 5um

fol. 134v (b) EPISTOLA REGIS HENRICI 4ti AD FILIUM SUUM HENRICUM
5um IN EXTREMIS LANGUENTIS PRO SUI ET REGNI ANGLIE
GUBERNACIONE. VNA CUM BENEDICCIONE PATERNALI
CUNCTIS SUIS FILIIS EX COMPOSITO PREDICTI MAGISTRI T. E.

fol. 135r Dilige mente deum fili virtuteque tota

fol. 136v FINITUR FINIS REGIS HENRICI 4ti

fol. 136v (c) Rex Es Xpcolis Ale Ne Graue Ledat Id Effer (6 lines)

Walther 12957, 4491, 16721. Ed. Wright, *Political Poems* 2. 118-23; unique to Rb. The third poem spells out in acrostich 'Rex Anglie Henricus Quintus, Caterina Regina Anglie'. On Elmham (who is one of the main authorities for the story of Henry V's reform of character on his accession), see No. 3 above and No. 12 below.

12. Thomas Elmham : Liber metricus

fol. 137ra CRONICA REGIS HENRICI QUINTI

Ad honorem beatissime trinitatis et ad presencium ...

... et pro succursu rengni anglie dotis sue quo cunctas hereses
cum heresiarcha Johannis Oldcastel suis precibus interemit

Ends fol. 148vb (but continues with No. 13)

Ed. C. A. Cole, *Memorials of Henry V* (RS 11; London, 1858), pp. 77-165. For corrections and additions to Cole, see J. S. Roskell and F. Taylor, 'The Authorship and Purpose of the *Gesta Henrici Quinti*', *Bulletin of the John Rylands Library* 53 (1970-71) 428-64 and 54 (1971-72) 223-40; see also Kingsford, *English Historical Literature*, pp. 45-50. The *Liber metricus* describes the first quinquennium of Henry V's reign: the Rb text, like that of Cotton Julius E. iv, is amply supplied with 'chronogrammatic' glosses (see Cole, pp. xlviii-xlix). There are two versions of the *Liber metricus* (extant in 9 MSS.), a longer and a shorter; Rb, described by Roskell and Taylor as 'confused', shares some features with the shorter version represented by Cotton Vespasian D. xiii (e.g. the hymn in No. 13 (b), and the description 'extractum breue de Cronica Thome Elmham prioris lenton'). The *Liber metricus* is based on the *Gesta Henrici Quinti*, ed. Roskell and Taylor (Oxford, 1975), which the editors have shown is not Elmham's work, as earlier scholars had supposed. Elmham began as a monk of St. Augustine's, Canterbury (of which he wrote a history, published in the Rolls Series, 1858), but in 1414 entered the Cluniac order and became Prior of Lenton; he died c. 1428. On his *Cronica*, see on No. 3 above. The *Liber metricus* proper, fols. 137-148, is by a hand unlike Wilde's other writing: it is in a paper booklet, written in two columns, with a watermark different from those in other parts of the manuscript (see above p. 311). Wilde evidently inserted this paper booklet and completed it with the collect and hymn to the Virgin (No. 13 below). Interestingly, the *Liber metricus* (complete with No. 13) is in a separate paper booklet in Cotton Vespasian D. xiii.

13. Thomas Elmham : Collect and Hymn to the Virgin

fol. 148vb DE YMPNO A GENTE ANGLORUM CANTANDO AD AD (*sic*)
LAUDEM DEI GENITRICIS MARIE PROPTER GRACIOSAM EX-
PEDICIONEM REGIS HENRICI QUINTI ...

fol. 149r (a) Te Matrem laudamus Te dominam confitemur

(b) Te Matrem Christi prece laudamus iubilantes

Not in Walther. Ed. Cole (see No. 12 above). Signed in acrostich THOMAS ELMHAM MONACHUS. In all texts of the *Liber metricus* the collect (a) is integral and follows directly on the colophon; despite Wilde's curious procedure (see on No. 12), one cannot separate the prayer from the text of the *Liber*. The hymn (b), however, is found only in Rb and Cotton Vespasian D. xiii. For another acrostich signature by Elmham, see the prologue to the *Cronica* (see on No. 3 above), printed by T. Hearne, (*pseudo-Elmham*) *Vita et gesta Henrici Quinti* (Oxford, 1727).

14. Hymn to the Virgin, in Praise of England

fol. 149v LAUDES ANGLICANE SEQUUNTUR
 Anglia primarie Dos fertur adesse Marie

Not in Walther. One is tempted to assign this to Elmham, as it forms a pair with No. 13.

Part II: fols. 150-166

II A: fols. 150-158

15. Edward III's Wars: Truce of 1347 (Tx No. 49)

fol. 150r Cantica leticie mundi flos Anglia promat
 fol. 152r FINIS EPILOGI BELLORUM EDWARDI 3ii

Walther 2388. See Tx No. 50. Fol. 152v blank.

16. Chronogrammatic Calendar

fol. 153r (a) RUBRICA SIVE CANON IN KALENDARE SEQUENS
 Cum in plerisque dubiis que in nostro Kalendario tanquam incerta ...
 fol. 153v EXPLICIT CANON SIVE RUBRICA IN KALENDARE SEQUENS.
 ET INCIPIT KALENDARE
 (b) Fistulat hec duplici celer aptat glos ferendi
 Ends fol. 158r

Walther 6561 (the reference in the Appendix is an error and should read 6569). Unedited. Ample space (about two lines) has been left for interlinear glosses, which Wilde has supplied up to fol. 156r (and only two thereafter): the latest dates given are for the coronation of Edward IV (28 June 1461) and the rising of Robin of Redesdale (see DNB) in 1469: 'Robin of ridesdale interfecit dominum herbert'. There is another copy, without glosses, in St. John's College, Oxford MS. 195, in blank leaves left after Rolle's commentary on the Psalms. On chronograms, see Cole (cited in No. 12), pp. xlviii-xlix. Fol. 158v blank.

II B: fols. 159-166

17. Apocalypsis Goliae (Tx No. 55)

fol. 159r APOCALIPSIS ANGLORUM
 A tauro torrida lampade Cinthii
 fol. 165v EXPLICIT APOCALIPSIS ANGLIE SECUNDUM MAGISTRUM
 WALTERUM MAPE

Walther 91. See Tx No. 55.

18. Response to Verses on a Cannon

fol. 166r (a) PHILIPPUS DUX BURGUNDIE AD JACOBUM REGEM SCOT-
 TORUM
 Illustri Jacobo Scottorum principe magno (2 lines)
 (b) RESPONCIO AD HEC PER QUENDAM ANGLICUM
 Burgundus Scoto. Dux regi falsus iniquo (44 lines)

fol. 166v **EXPLICIT**

Walther 8745. Ed. Wright, *Political Poems* 2. 150-51; unique to Rb. Wright did not know the context of the poems: according to the *Scotichronicon*, ed. W. Goodall, 2 (Edinburgh, 1759), p. 490, in 1430 the king of Flanders (i.e. Philip, duke of Burgundy) sent to James I of Scotland a cannon with an inscription worded almost exactly as No. 18 (a). The long poem in Rb, therefore, is a reply to the implied threat and insult: relations between England and Burgundy worsened considerably after 1430.

Part III: fols. 167-181

19. Satire against Monks (Tx No. 60)

fol. 167r **APOCALIPSIS CLAUSTRALIUM**

 Noctis crepusculo brumali tempore

fol. 168v **EXPLICIT APOCALIPSIS CLAUSTRALIUM**

Walther 11891. See Tx No. 60. Wilde has glossed the word *monachi* by *canonici* in red throughout.

20. Quid dant artes nisi luctum (Tx No. 7)

fol. 168v (*gap left for title*)

 Meum est propositum gentis imperite

 Ends fol. 170r

Walther 10988. See Tx No. 7.

21. De coniuge non ducenda (Tx No. 5)

fol. 170r **NAUFRAGIUM NUBENCIUM SECUNDUM GOLIAM**

 Sit deo gloria laus benedictio

fol. 173r **EXPLICIT APOCALIPSIS GOLYE DE NAUFRAGIO NUBENDI**

Walther 18302. See Tx No. 5.

22. Satire on the Estates (Tx No. 59)

fol. 173v **EPILOGUS APOCALIPSIIUM PRECEDENCIUM**

 Totum regit seculum papa potestate

fol. 177r **EXPLICIT EPILOGUS PRECEDENCIUM APOCALIPSIIUM**

Walther 19338. See Tx No. 59. The word *papa* has been ineffectively erased in several stanzas.

23. Debate between Wine and Water (Tx No. 4)

fol. 177v **APOCALIPSIS BACHI INTER LYEUM ET THETIDEM**

 Cum tenerent omnia medium tumultum

fol. 180r **EXPLICIT APOCALIPSIS BACHI**

Walther 3834. See Tx No. 4.

24. Satire against Norfolk (Tx No. 64)

fol. 180r (gap left for title)

Exiit edictum ab Augusto Cesare

Ends abruptly at foot of fol. 181v (see pp. 325-26)

Walther 6074. See Tx No. 64. A later hand (s. xvi?) has noted at the beginning 'The declaration against Norfolke answered vnto with moer zeale then Truthe'.

Part IV: fols. 182-194

IV A: fols. 182-187

25. John of St. Omer : Reply to the Satire on Norfolk (Tx No. 65)

fol. 182r RESPONCIO CONTRA EDICTUM NORFOLCHIE

Edictum fingitur factum a cesare

Ends fol. 187r

Walther 5239. See Tx No. 65. At the beginning the later hand (as in No. 24) has written: 'Responsio pro norfolciensibus iure damnatis in a matter of trvthe ex maxima parte'.

26. Die Bettelmönche (Tx No. 18)

fol. 187r INVECCIO CUIUSDAM SATHANE SATELLITIS CONTRA DEI
MILITES MONACHOS ET CANONICOS PER SACRE SCRIPTURE
BLASPHEMIAM

Qui nescit quam sit monachorum nobile vulgus

Ends fol. 187r

Walther 16086. See Tx No. 18.

IV B: fols. 188-194

27. Walter of Peterborough : Battle of Najara

fol. 188r (a) PROHEMIUM PANAGERICUM IN OPUS SEQUENS. DE VIC-
TORIA BELLI IN HYSANIA PER PRINCIPEM EDWARDUM ET
JOHANNEM CONFRATREM EIUS DUCEM LANCASTRIE PRO
PETRO REGE HISPANIE

Mi Martonensis pater amplexande Johannes

fol. 189v EXPLICIT PROHEMIUM PANAGERICUM

fol. 189v (b) VICTORIA BELLI IN HISPANIA PER 3es CONFRATRES .S.
DOMINOS PRINCIPEM EDWARDUM ET JOHANNEM DUCEM
LANCASTRIE ET PETRUM REGEM HISPANIE CONTRA 3es
NOTHOS FILIOS ALDEFONSI REGIS .S. HENRICUM, THILONEM,
ET SENCHIUM

fol. 190r Bella referre paro fratrum de germine claro

Ends incomplete (Wright p. 114) at foot of fol. 194r; fol. 194v blank

Walther 10994, 2121. Ed. Wright, *Political Poems* 1. 97-122, from Rb and Digby 166 (which lacks the prologue but is otherwise complete). The author gives his name as

Walter de Burgo (Peterborough), monk of Revesby in Lincolnshire; he was a friend of John Marton, treasurer of John of Gaunt. In Digby 166 the poem is called 'bellum nasoreum gestum et sic digestum a.d. 1366, habens versus quingentos sexaginta per W. Burgensem'; the preceding poem, 'Vix nodosum valeo' (Walther 20763), is described as 'epilogium fratris Walteri de Burgo super Alanum in opere suo de planctu nature contra prelatum sodomitam'. Walter also wrote a *Mariale* (Theotecon), to which he refers in the present poem, and also an exegesis of the *Metamorphoses* (see on No. 30 below, which was once attributed to him). Wilde has written rhetorical notes in red throughout the poem.

fol. 194v Blank, except for the later addition of the couplet on Virgil, 'Pastor arator eques' (Walther 13779).

Part V: fols. 195-233

28. Diagrams and Pictures

- fol. 195r Blank
- fol. 195v EURUS. HIC OSTENDIT AUCTOR DE ORIGINE VENTORUM
 Primo videndum est quod nichil aliud est ventus quam aer per-
 turbatus ... (*short note*)
- fol. 196r (a) Diagram: Zinzugia 4 elementorum
- fol. 196v (b) Diagram: earth's five zones and principal winds
- fol. 197r (c) Diagram: map of the world
- fol. 197v (d) Picture: Saturn, Jupiter
- fol. 198r (e) Picture: Mars, Apollo
- fol. 198v (f) Picture: Venus, Mercury
- fol. 199r (g) Picture: Diana, Minerva
- fol. 199v (h) Picture: Juno, Cybele
- fol. 200r (i) Picture: Vulcan, Hercules, Aesculapius

For a description of the pictures (fols. 197v-202v), see F. Saxl and H. Meier, *Catalogue of Astrological and Mythological Illuminated Manuscripts of the Latin Middle Ages*, vol. 3.1: *Manuscripts in English Libraries* (London, 1953), pp. 395-98; pictures (d) and (f) are reproduced in Part 2, pls. VI-VII, figs. 19-20. Pictures (e) and (f) are reproduced by Saxl and R. Wittkower, *British Art and the Mediterranean* (London, 1948), pl. 35. 1-2; picture (f) is also in J. Seznec, *Survival of the Pagan Gods*, trans. B. Sessions (New York, 1953), fig. 70, p. 181. The pictures are drawn on small parchment sheets, to which have been attached (fols. 197-199) parchment slips to contain notes: (d)-(h) are given references to the appropriate passage in the 'Dites ditatus' (No. 1 above). Saxl and Wittkower concluded that the pictures were intended as illustrations of Walsingham's treatise (which they call a 'translation of the History of Troy'). The fact that the whole group of diagrams and pictures begins with the Four Elements and ends with Aesculapius, however, indicates that the pictures form a prologue to the following exposition of the *Metamorphoses* (No. 30): this follows the practice of Petrus Berchorius and Thomas Walsingham who prefixed their commentaries on the *Metamorphoses* with an account of the pagan gods. The references to the 'Dites ditatus' simply demonstrate the care with

which Wilde planned and utilized his manuscript. There are some notes to the diagrams (s. xvi).

29. Further Preliminaries to No. 30

fol. 200v PROLOGUS SUPER OPUS OVIDII METHAMORPHESIOS

Maius opus Ovidii pre manibus habemus ...

fol. 201v EXPLICIT PROLOGUS

I have not found this *accessus Ovidianus* (which includes an account of metamorphosis and its allegorical interpretations) in the published sources, which generally neglect the *Metamorphoses*: e.g. B. Nogara, 'Di alcune vite e commenti medioevali di Ovidio' in *Miscellanea Ceriani* (Milan, 1910); G. Przychocki, 'Accessus Ovidiani', *Rozprawy Akademii Umiejetnosci*, 3rd Ser., 4 (Cracow, 1911), pp. 65-126 (edited, according to Huygens, with a 'négligence incroyable'); R. B. C. Huygens, *Accessus ad Auctores, Bernard d'Utrecht, Conrad d'Hirsau, Dialogus super auctores*, rev. ed. (Leiden, 1970); nor is it in Walsingham's *Prohemia poetarum* in B. L. Harley 2693. On the *accessus* in general, see E. A. Quain in *Traditio* 3 (1945) 215-64.

fol. 202r Diagram: mountains in Thessaly

There is no note, but Wilde could have referred to the 'Dites ditatus' prologue.

fol. 202v Diagram: Poets and Muses

This is accompanied by very brief notes (i.e. a few words only) on the works of Homer, Virgil, Ovid, Horace, Statius, Petronius, Persius, Juvenal, and Lucan. It could be described as a schematization of the *accessus*, but the selection of authors is remarkably classical, even for the fifteenth century.

30. Exposition of the Metamorphoses

fol. 203r EXPOSITIO FABULARUM 15 LIBRORUM OVIDII METHAMORPHOSEOS ET PRIMO DE LIBRO PRIMO

Ovidii intencio in hoc libro est omnes fabulas in ceteris libris dispersas colligere ...

fol. 233r Vatis Pelini traduntur carmina fini
Qui studio nituit dum sibi vita fuit;
In vite meta da tempora Christe quieti
Scriptori qui te petit alme premia vite;
Perscripto libro reddatur gloria Christo. quod J. Wylde
Nomen scriptoris est Jhon Wilde plenus amoris

Unpublished. Each book is divided into its major fables, each of which is summarized without allegorization, interpretation, or explanation of any kind; this technique of *expositio ad litteram* distinguishes it from the work of the mythographers. The Bodleian Quarto Catalogue ascribes the treatise to Walter of Peterborough (see on No. 27 above), citing T. Tanner, *Bibliotheca Britannico-Hibernica* (London, 1748), p. 352. Tanner mentions first the poems in Digby 166 (see on No. 27) and then quotes the *Chronicon Angliae Petriburgense* for 1366; in the edition by J. A. Giles (London, 1845), p. 173 — Tanner used J. Sparke's edition (London, 1723) — the passage reads: 'Inv(enta) est

primo grossa historia totius sacrae paginae in fabulis Ovidii Metamorphosis, a fratre Waltero de Burgo, quondam monacho de Revesby'. The treatise in Rb, however, gives no hint at all of a Biblical interpretation, and the ascription must be rejected. A later hand (s. xvi) in Rb has marginally made the obvious identifications (Gigantomachia = 'turre babillon', Lycaon = 'Cain', Deucalion = 'Noe'), but there is no reason to connect these with Walter of Peterborough; in any case, the remaining marginalia (which extend only for a few pages) are simply chapter headings. Wilde's interest in Thomas Walsingham (Nos. 1, 28, and the musical treatise in Wilde's MS. Lansdowne 763) might suggest a connection with the *Archana deorum*, but the analysis of each book into its component fables does not match Walsingham's, no use is made of the other mythographers (of whom Walsingham showed a good knowledge in the *Archana deorum*), and, above all, one would have expected Wilde to ascribe the treatise to Walsingham if he had had any reason to suspect his authorship.

RELATIONSHIP OF Tx AND Rb

The two manuscripts share sixteen poems, as follows (in the order of Tx):

<i>Tx</i>	<i>Rb</i>	<i>Walther No.</i>		
2	10	7234	Gloria cunctorum	(Black Prince in Spain)
4	23	3834	Cum tenerent omnia	(Wine and Water debate)
5	21	18302	Sit deo gloria	(De coniuge non ducenda)
6	8	10450	Ludere volentibus	(Edward I's Scottish Wars)
7	20	10988	Meum est propositum	(Satire on Occupations)
15	5a	6833	Francia feminea	(Crécy, 1346)
16	7a	5041	Dux Valeys	(Neville's Cross, 1346)
17	5b,7b,8b	1091	Annis bis sex	(Summary of battles)
18	26	15573	Qui nescit quam sit	(Satire on monks)
28	2	4645	Diuiciis ortu	(Simon Chèvre d'Or)
49	15	2388	Cantica leticie	(Edward III's Wars, 1347)
55	17	91	A tauro torrida	(Apocalypsis Goliae)
59	22	19338	Totum regis seculum	(Satire on Estates)
60	19	11891	Noctis crepusculo	(Satire on monks)
64	24	6074	Exiit edictum	(Satire on Norfolk)
65	25	5239	Edictum fingitur	(Reply to Norfolk satire)

Nos. 2, 49, 59, and 65 (using Tx numbers) are in TxRb only: in the absence of a 'control' I have omitted them from this analysis. Critical studies of the remainder show a close affinity between Tx and Rb, to the most minute agreements in error. They often share *lacunae* or agree in complete nonsense: e.g. No. 5, 18/2 *ducit* codd.: *dudit* Tx: *dud.*: Rb; No. 7, 3/2 *asellus* P: *acellus* Rb: *atellus* Tx. Without full texts lengthy citation would be tedious: I here summarize the evidence for the close relationship between TxRb.

(1) No. 5: TxRb agree in error at least 13 times and in minor variants at least 15 times. (2) No. 6: they share over 40 minor variants, some in error. (3) No. 7: many close agreements, some in error, e.g. 13/3 *steriles* (for *sterilis*), 15/4 *agro* (for *ager*), 19/4 *musas* (for *musis*). (4) Nos. 15-17: the only other manuscript, Bodley 851 (Bd), presents a text too different to be a useful control, but one clear TxRb error is in 15/6 *amittis* Bd (not in Wright!): *amoris* TxRb. (5) No. 18: there are minor agreements, none in error, e.g. 1 *Quis: Qui* TxRb; 8 *Sic igitur (ergo): Si sic se* TxRb. (6) No. 28: see Dr. Parrott's edition, pp. 46-47. (7) No. 55: comparison with Strecker's edition shows TxRb agreeing in error at least 18 times and in many other minor variants. (8) No. 61: there are three shared errors, 11 *ordinis: licitis* TxRb (Tx unclear), 14 *hoc (hec) tamen maxime: hanc tamen maximam* TxRb, 73 *petere: lacuna* Tx: *abbates* Rb, and nine other agreements on minor variants. (9) No. 64: at least 15 agreements in error (including the omission of a necessary stanza, lines 26-29, and complete nonsense at 136-43 and elsewhere) and at least 22 agreements on minor variants.

The close affinity between Tx and Rb has been clear to anyone who has edited texts from them — Wright, Strecker, Parrott, myself, and others. Is one a copy from the other? Wright thought that Rb might turn out to have been copied from Tx. Strecker, however, disagreed: 'Der Text (Rb) stimmt fast überall zu (Tx), doch scheint er, nach einigen Stellen zu schliessen, nicht direkte Abschrift zu sein.'³⁰ Dr. Parrott came to the same conclusion. Evidence can only be negative, consisting in those cases where one manuscript is in error and the other has a correct reading (supported by other witnesses) which could not have been recovered by intelligent correction.

Tx not copied from Rb

In No. 64 (Norfolk) Tx and Rb break off abruptly in the middle of a story; in Tx the break occurs halfway down a column, of which the rest is blank; in Rb the text breaks off at the end of fol. 181v, after which (as collation shows) a leaf is missing. One would normally deduce that Tx was following Rb. (The omission of 28 lines by Rb at the end of No. 28 (*Ylias*), complete in Tx, is of no consequence: a leaf is missing at this point in Rb, and could have been lost after writing). Against the idea of direct transmission Rb → Tx, however, is the apparently indisputable dating of the two manuscripts — Tx in the last quarter of the fourteenth century, Rb after 1469. As the evidence for the earlier dating of Tx is primarily palaeographical, however, it may be as well to set out the textual arguments.

Isolated Rb errors occur in Nos. 5 (4), 6 (2), 7 (3), 16 (1), 18 (3), 55 (24), 60 (5), 64 (5) and no doubt many more times. The crucial cases are those where the

³⁰ *Studi medievali* N.S. 1 (1928) 385 (cited on Tx No. 7).

Tx reading could not result from intelligent correction, as in: No. 5, 47/4 *male* codd.: *vile* Rb: *mle* Tx (correction would have produced *vili*); 51/3 *sunt quasi* codd.: *in loco* Rb: *quasi* Tx. No. 6, 178 *non monasterium* Rb: *noūmonasterium* Tx (Newminster); 204 *desunt* codd.: *deest* Rb: *desint* Tx. No. 7, 15/3 *colat hanc qui patribus natus est de summis* P: *colant qui per patriam nati sunt de summis* Rb: *colant qui per patriam natus de est summis* Tx (Rb's reading is unsatisfactory but grammatical: Tx must have had another source for *natus est*). No. 60: Tx would have had no reason to correct the Rb reading in 25 *Doleo sed (si Rb) verum est quod dixi seruiunt*, 29 *Procaci (Precati Rb) superos fallunt astucia*, 68 *Quassis (Bassis Rb) sermonibus*. Thus, Rb cannot have been the source of Tx: the coincidence that No. 64 breaks off at the end of a leaf (fol. 181v) can be explained in other ways.

Rb not copied from Tx

The hypothesis that Tx was the direct source for Rb is permitted by the dates of the manuscripts and supported by cases such as No. 5, 26/3-4: the lines are in the correct order in Tx but marked b-a for reversal; in Rb they are transposed. On the other hand, I have noted many cases of isolated errors in Tx: Nos. 5 (2), 6 (2 or 3), 7 (4), 15 (1), 18 (1), 55 (5), 60 (6), 64 (12). Correction is unlikely to account for the Rb reading in the following: No. 7, 10/2 *fructus nullus* PRb: *fructus unus* Tx; No. 15, 23 *Xerxes* Bd: *Persis* Tx: *Xerxes* Rb; No. 64, 23 *cad(c)ando* codd.: *tandem* Tx: *cadendo* Rb (and one other MS.); 24 *eam* codd.: *illam* Tx; 176 *scarabium (-eum)*, *scarbocium* codd.: *scabodium* Tx: *scrabonem* Rb (an *ar/ra* abbreviation must have been in the exemplar). While none of these cases is completely overwhelming, it is very unlikely that Wilde should have followed Tx in the most glaring (and easily emended) errors but occasionally have conjectured and restored the original reading (in some cases where Tx made adequate sense).

It seems almost certain that Tx and Rb are sister manuscripts, and that they both drew on a collection of political and satirical poems containing at least the sixteen common items listed above. If so, Wilde and the scribes of Tx were very careful copyists, who made few errors of transcription and few alterations of their own. Wilde was very interested in the overall organization of his manuscript, but less concerned about its textual deficiencies.

RELATIONSHIP OF TX AND Rb WITH OTHER MANUSCRIPTS

(1) Tx shares fourteen items with the Bodleian MS. Rawlinson G.109 (Rg), written about 1200. Eleven are in the first part of Part IV: in fact, of Nos. 32-44 only two (Nos. 39 'Milo domi' and 43 'Virginitas flos') are not in Rg. The other three are Nos. 26, 28, 54. Nos. 34-35 are in TxRg only; No. 33 is also in Paris,

B.N. Lat. 8207 (which also contains Nos. 25 and 53), No. 42 also in St. Omer 115, and No. 44 also in Bodleian MS. Laud lat. 86. As shown by Öberg³¹ in No. 41 TxRg share many readings against the other two manuscripts. Tx cannot, however, have been copied directly from Rg, as is shown by Rg's errors in Nos. 34, 35, and 41, and Tx's longer versions of Nos. 26, 32, and 40. The most likely solution is that Tx and Rg shared a common ancestor: if so, Rg was probably written not in France (as often supposed) but in the Eastern Counties — on p. 198 is a note of a transfer of land in 1326, and the flyleaves are formed from a fourteenth-century Suffolk court roll.³² Rg contains the well known couplet on Virgil, 'Pastor arator eques', which is scribbled on the blank fol. 194v in Rb.

(2) Tx shares nine poems with MS. Bodley 851 (Bd), which was written towards the end of the fourteenth century for or by John Wells, monk of Ramsey, a noted opponent of Wycliffe.³³ The poems are Nos. 1, 3, 5, 15, 16, 50, 51, 55, and 63, of which Nos. 5, 15, 16, and 55 are also in Rb. Most of the poems are popular in anthologies of this period, but Nos. 15-16 are found only in TxRbBd. There are no striking textual agreements (except that Bd is certainly in the same group as TxRb for No. 5 'De coniuge non ducenda'), but it is quite probable that they all share a common source.³⁴ On the flyleaves of Bd are scribbled (s. xv) many short poems, including the anti-Scottish verse (Rb No. 7 (c)) and an epigram against Norfolk 'Fallere gnarus homo Norfolchica venit ab humo (MS. huimo)' (cf. No. 64).

From this we may be able to posit a circulation of related manuscripts in the Eastern and Home Counties, as sources for Tx (London area), Rb (Waltham, Essex), Rg (Suffolk), and Bd (Ramsey, Huntingdonshire). This would explain the interest of TxRb (and their source) in Norfolk and Rb's inclusion of a poem by Walter of Peterborough.

We must not, however, infer textual relationships between manuscripts simply because they share several items in common (e.g. Tx and Lat. misc. d.15 or Vatican Reg. lat. 344). Bodleian MS. Digby 166 (D), for example, shares four items with TxRb (Nos. 4, 5, 28, 55), two with Tx (Nos. 61, 66), one with Rb (No. 27), and five with Bd (Nos. 5, 55, and three other items). It *may* be related to TxRbBd, but its copy of No. 5 is from a quite different textual tradition, and although it also has versions of Nos. 9 and 63 these are quite unlike those preserved in Tx; all the shared items are in fact very popular at this date. In the ab-

31 *Serlon de Wilton* (cited on Tx No. 41), App. I A.3 and p. 68.

32 See the Bodleian *Summary Catalogue* No. 15479.

33 A. B. Emden, *Biographical Register of the University of Oxford to 1500* s.v. Wells, doubted that the Wells of Bodley 851 was the opponent of Wycliffe, because of the presence of fifteenth-century poems: these poems, however, were added in the manuscript later.

34 It is interesting that Tx and Bd each contain a poem by Walter of Wimborne: Tx has No. 67 and Bd has a deficient text of the 'Ave Virgo'.

sence of any firm textual evidence, D can only be associated with the TxRbBd family as a *literary* cousin.

CONCLUSIONS

Tx and Rb are representative of what I would call the 'later English model' of the Goliardic anthology: their selection of material resembles that in collections such as Bodleian MSS. Digby 166, Bodley 851, Bodley 496, and Trinity College, Cambridge 0.9.38 (as distinct from the thirteenth- and fourteenth-century anthologies, from which this new 'model' is derived). As we have seen, they share sixteen poems, copied from the same original, and were perhaps written in the same house. Nevertheless, in other respects they are very different from each other. Rb is an elegant production, written on large pages with generous margins, in a fine Bastard Anglicana script, and lavishly rubricated throughout in the titles, running heads and text. The writing in Tx is, in comparison, more cramped and often hasty and scrawled; because of the accretive process of compilation, the hands change frequently and the programme of decorated initials was never completed; the alternation between long-line and two-column format also detracts from the appearance, and (though this may be due to the passage of time) the colour of the parchment, and thus of the ink, has changed frequently. As a book of poems, fairly randomly compiled, Tx is in fact quite well presented, but simply suffers by comparison with Wilde's more ambitious production.

The two books differ more fundamentally in their overall conception. Tx is in essence a book of poetry, drawn eclectically from a remarkably wide range of genres and subjects. There are three 'Virgilian' pieces, the 'Moretum', the 'De rosis nascentibus' and Proba's 'Cento'; there are three plays (Nos. 50-52). An interest in grammar and rhetoric is represented by a poem of Geoffrey of Vinsauf (No. 30), extracts from Matthew of Vendôme (No. 20), grammatical verses (No. 48), and perhaps Simon Chèvre d'Or's 'Ylias' (No. 28). The 'Hildebert-*Floridus aspectus*' tradition, from the twelfth and thirteenth centuries, is well represented in Parts III and IV. Satirical verse dominates the collection: the 'Speculum stultorum' (No. 1) is the longest poem in the manuscript; Nos. 5 and 26 are antifeminist; Nos. 7, 18, 32, 47, 55, 59, and 60 are anticlerical; similar in tone are the 'flying' between Michael of Cornwall and Henry of Avranches (No. 3), the attack on Norfolk and the reply (Nos. 64-65), and the humorous poem on monastic celibacy (No. 63). Debates (e.g. Nos. 4, 9, 61), often with a *contemptus mundi* theme (cf. Nos. 11, 62) are common in Goliardic anthologies, as is, perhaps surprisingly, 'straight' religious verse (cf. Nos. 8, 10, 13, 66, 67). Nos. 2, 6, 12, 15-17, 27 and 49 all deal with fourteenth-century political and military affairs, some very recent.

The result is a fascinating, if disorganized, assembly of poems. In some respects Tx is a combination of several distinct kinds of anthology — the

Floridus aspectus type (characterized by selections from Hildebert, Marbod, Petrus Riga, and often joined by one or more Troy poems), the rhetorical anthology (Matthew of Vendôme, Geoffrey of Vinsauf), the 'later English model' (see above, p. 328), and the historical collection (a genre which became popular in the fifteenth century). In the order of entries, however, there is little sign that the collection is the result of copying first one, then another anthology straight into the manuscript: the plays are all together in Part V, and the bloc of poems at the beginning of Part IV may all have come from the same source (see above, pp. 326-27), but in general the order seems fairly random. Poems on the Scottish Wars of Edward I and II (Nos. 6 and 12) are separated in Part II; Nos. 15-17 (on Edward II's campaigns) are in Part III, followed later by No. 27; Nos. 2 and 49 (on events of 1347 and 1367) were added later in blank spaces.

John Wilde, however, compiled Rb with a clear plan in mind — indeed, with several plans, some of them incompatible. We have already noted (above, pp. 311-12) his two 'programmes' for his verse, historical and satirical. Part I is well organized: it begins with Walsingham's 'Dites ditatus', followed by Simon Chèvre d'Or's 'Ylias'; these two Trojan texts are clearly prelegomena to Elmham's and Whethamstede's recapitulations of British history (which begins with Brutus) and hence to the whole sequence of poems on Edward III's wars and Henry V.³⁵ The 'Epilogus' to Edward III's wars (No. 15), and the poems on the Burgundian cannon (No. 18) and the Battle of Najara (No. 27) are all out of sequence. Wilde was also deliberately grouping together dream visions (or 'Apocalypses', as he calls them) in Nos. 17, 19, 21, and the concluding 'Epilogus apocalipsium precedencium' (No. 22); apparently as an afterthought he added the Debate between Wine and Water (No. 23) as the 'Apocalipsis Bachi' — again, his programme (and his failure to execute it) is very evident. Part V, as we have seen, was carefully planned: following the models of Berchorius and Walsingham's *Archana deorum*, Wilde began with an account of the pagan gods (in this case pictorially), adding also an *accessus Ovidianus* and a brief notice of other classical poets, before the long treatise on the *Metamorphoses*.

Overriding these local plans was a view of the manuscript as a whole.³⁶ Not only did Wilde annotate the diagrams (No. 28) with references to the 'Dites

35. The tenacity of the 'Ylias' in anthologies is striking: here it is part of a sequence of British history; in thirteenth-century collections it was included with Troy poems attributed to Hildebert and Hugh Primas of Orléans.

36. One apparent part of Wilde's structural plan must unfortunately be dismissed as a red herring. Rb's No. 27 is Walter of Peterborough's poem on the Spanish Wars of 1367, and No. 30 was attributed, without evidence, by Tanner to Walter of Peterborough. It can be no more than an odd coincidence that under 1366 the *Chronicon Angliae Petriburgense* (see on No. 30) juxtaposes an account of John of Gaunt's departure on the Spanish campaign with a mention of Walter of Peterborough's discovery of the whole of sacred scripture in Ovid's *Metamorphoses*.

ditatus' (No. 1), but the whole book is framed by the story of Troy and Ovid's account of the rise of Rome. Further, the book begins with a treatise by Walsingham and ends with an exposition of the *Metamorphoses*, which, although not by Walsingham himself, closely resembles his *Archana deorum*.

Even in the most general terms it would be an abuse of terminology to label Tx 'medieval' and Rb 'humanist': the former can, in its contents, be easily distinguished from the thirteenth- and early fourteenth-century anthologies, and the catholicity of its selection of poems suggests an almost humanistic interest in poetry for its own sake; conversely, many of the poems in Rb are from earlier centuries, and the commentaries (Nos. 1 and 30) are very traditional in their approach to their material. Nevertheless, the two manuscripts present a contrast typical of the different literary attitudes of the fourteenth and the fifteenth centuries. The compiler of Tx has left all the poems anonymous, apart from Proba's 'Cento', so that no distinction is made between, for example, the pseudo-Virgilian 'Moretum' and a poem on fourteenth-century battles; there is no sense of time or of literary principle. In Rb, however, we are firmly in the fifteenth century, with the works of contemporaries such as Walsingham, Whethamstede, Elmham, and (unnamed in the manuscript) Walter of Peterborough. Wilde has a specific literary-historical purpose, both in the selection of the material and in the presentation: in his desire to organize his material he shows at least one incipient humanistic attitude, an approach to literary texts as something to be studied and placed in a literary and historical context. In Tx and Rb we see two totally different approaches to the creation of the poetic anthology.

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COMIC AND TRAGIC COUNTERPOINT
IN THE MEDIEVAL DRAMA:
THE WAKEFIELD *MACTACIO ABEL*

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ONCE considered one of the finest medieval plays, the Wakefield *Mactacio Abel* suffered deposition at the hands of Eleanor Prosser, whose *Drama and Religion in the English Mystery Plays* argued that the play at best is problematic and more likely is radically flawed because its celebrated 'realistic' humor negates its theme and destroys the mood necessary to its dramatic success. Critics replied by defending the play's realism and its unity of mood and theme.¹ Their arguments go far toward answering her objections. Yet a point most vital to the play's defense, a point which helps come to terms with the distinctive humor of all the cycle plays, needs to be stated and systematically developed.² The plays' comic surface, to which audiences initially respond, is intrinsically valuable. It does not exist merely for entertainment, for establishing 'realism', for ridiculing things holy to relieve psychological tension, or for simple audience appeal. Nor is it simply an enticing husk hiding a kernel of doctrinal truth. Rather the comic establishes the plays' deepest human and theological meaning, giving them resonance, scope, and impact which plays of unrelieved austerity scarcely attain. In plays like the *Mactacio*, the comic and the somber are fused; both modes derive strength through richly constructive interaction.

We are accustomed to this kind of organic fusion of comic and tragic in the greatest drama, and critics have suggested similar modal and thematic in-

1 Eleanor Prosser, *Drama and Religion* (Stanford Studies in Language and Literature 23; Stanford, 1961), pp. 76-88; Hans-Jürgen Diller, 'The Craftsmanship of the Wakefield Master', *Anglia* 83 (1965) 271-88; John Gardner, 'Theme and Irony in the Wakefield *Mactacio Abel*', *Publications of the Modern Language Association* 80 (1965) 515-21; and Clifford Davidson, 'The Unity of the Wakefield "Mactacio Abel"', *Traditio* 23 (1967) 495-500.

2 V. A. Kolve's *Play Called Corpus Christi* (Stanford, 1966), chapter 6, best accounts for the plays' rowdy and grotesque humor, but Kolve declines considering the problematic humor of the *Mactacio* (p. 229 n. 39). See further Arnold Williams, 'The Comic in the Cycles', and T. W. Craik, 'Violence in the English Miracle Plays', both in *Medieval Drama*, ed. Neville Denny (Stratford-upon-Avon Studies 16; London-New York, 1973), pp. 109-23 and 173-95.

terpenetration in some of the cycle plays.³ But we can now go further, I believe, to show that such modern readings are justified on the basis of formal principles which tacitly underlie these plays. Incorporating some results of modern research into medieval aesthetic theory and artistic practice, I would like to propose a formal rationale for such readings of the humorous cycle plays and explore the Wakefield *Mactacio Abel* in its light.

The purpose of art, as the Middle Ages seems to have understood it, was to effect a rational acceptance of reasonable truths which the artist neither invented nor discovered, but merely communicated.⁴ At least in theory any medieval artifact is by definition didactic, not least because God was considered the 'efficient and exemplary and final cause of all created beauty' (Coomaraswamy, p. 38; De Bruyne, pp. 67-73). In the cycle drama, taken seriously by its producers, long encouraged by the Church, defended for augmenting faith and inciting to devotion, and finally suppressed by Reformers fearing the inculcation of Romish doctrine, the didactic intention may be assumed.⁵ But as medieval theoreticians knew, ordinary people are moved to accept reasonable truths more by emotion than by reason.⁶ The practical problem of the playwright was accordingly to engage his audience in the instructive dramatic activity. In fact, two major aspects of the plays accomplish precisely that end. First, the 'anachronistic'

3 See, e.g., Jerome Taylor, 'Critics, Mutations, and Historians of Medieval English Drama' in *Medieval English Drama*, ed. J. Taylor and J. R. Elliott (Chicago, 1972), pp. 20-23. Williams ('Comic in the Cycles', 123) concludes emphatically that the comic is integral to overall dramatic structure in the cycle plays, with the exception of Mak. His reservation is surprising since other critics have found modal and thematic fusion most successful in the *Second Shepherds' Play*; see Linda E. Marshall, 'Sacral Parody in the *Secunda pastorum*', *Speculum* 47 (1972) 720-36, and Leah Sinanoglou, 'The Christ Child as Sacrifice: A Medieval Tradition and the Corpus Christi Plays', *Speculum* 48 (1973) 491-509.

4 R. O. Payne, 'Chaucer and the Art of Rhetoric' in *Companion to Chaucer Studies*, ed. Beryl Rowland (New York, 1968), p. 41; Edgar De Bruyne, *The Esthetics of the Middle Ages*, trans. Eileen B. Hennessy (New York, 1969), pp. 55 f., 67-73, 80-86, 117-70; J. W. H. Atkins, *English Literary Criticism: The Medieval Phase* (Cambridge, 1934; rpt. Gloucester, Mass., 1961), pp. 183 f.; and A. K. Coomaraswamy, 'Mediaeval Aesthetic. I. The Pseudo-Areopagite, and Ulrich Engelberti of Strassburg', *Art Bulletin* 17 (1935) 31 f., and 'Mediaeval Aesthetic. II. St. Thomas Aquinas on Dionysius, and a Note on the Relation of Beauty to Truth', *Art Bulletin* 20 (1938) 66, 72-77.

5 In *The English Mystery Plays* (London, 1972), Rosemary Woolf discusses fully the medieval defenses of the play as *libri laicorum* (pp. 77-92). See further Sandro Sticca's study of the relationships between devotional writings and dramatizations of the Passion, 'Drama and Spirituality in the Middle Ages', *Medievalia et humanistica* N.S. 4 (1973) 69-87; Kolve, *Corpus Christi*, pp. 3-7, 130-32; and H. C. Gardiner, *Mysteries' End* (Yale Studies in English 103; New Haven, 1946), pp. 1-19. Miss Woolf argues that the plays' old fashioned style and structure led to their displacement in the Renaissance by Biblical drama based on classical models (pp. 314-21).

6 St. Augustine, *De doctrina Christiana* 4.13; Coomaraswamy, 'Mediaeval Aesthetic. II.', 74; Payne, 'Chaucer and Rhetoric', 41; C. S. Baldwin, *Medieval Rhetoric and Poetic* (New York, 1928; rpt. Gloucester, Mass., 1959), pp. 51-73.

details and boisterous humor serve that purpose by giving the plays a familiarity with which the audience could identify.⁷ Second, typological reference, widely used in graphic and dramatic art of the period, must have engaged the fifteenth-century witness in the dramatic pretense by making the play's time at once that of the Incarnation, of Adam or Abraham, and of the fifteenth century.⁸

The importance of the typological principle, however, extends beyond engaging the audience in the re-enactment of sacred mystery. Because it presupposes historically real, entirely human anticipating and fulfilling events, it embraces anachronistic detail and combines with humor to suggest that the events depicted occur within man's world and bear significant meaning for men whose activities are essentially similar to those enacted. Yet because the typological principle demands that the spiritual connection between anticipatory and fulfilling events be understood, it unites human, emotional representation with abstract, cerebral meaning. The early Christian Fathers revised the traditionally rigorous separation of stylistic categories — the *sermo humilis* and *sermo sublimis* — to encompass the mystery of the Passion, at once transcendently sublime and grotesquely humble. Similarly, the cycle plays are both humble in their mode of presentation and sublime in import. Quite simply, they evince in their unique way the cardinal principle of the Gospel, for in them too the Word becomes flesh and dwells among men.⁹

All the cycle plays benefit immeasurably from the heightened impact and extended meaning deriving from this distinctive integration of the timebound and

7 See F. T. Wood, 'The Comic Elements in the English Mystery Plays', *Neophilologus* 25 (1940) 40, 45; Williams, 'Comic in the Cycles', 123; Walter E. Meyers, *A Figure Given: Typology in the Wakefield Plays* (Pittsburgh, 1970), pp. 13-16; Atkins, *English Literary Criticism*, pp. 146 f. E. Catherine Dunn regards the drama as a 'paraliturgical' activity which aided non-Roman peoples in understanding an emotionally and intellectually alien liturgy: 'Popular Devotion in the Vernacular Drama of Medieval England', *Medievalia et humanistica* N.S. 4 (1973) 55-68.

8 The implications of typology for medieval drama are discussed by Erich Auerbach, *Mimesis*, trans. Willard Trask (Princeton, 1953), pp. 143-73, and by a host of subsequent scholars. D. W. Robertson, Jr. stresses the importance of contemporaneity in vivifying the plays' practical moral meaning for the audience and prefers the term 'tropological verisimilitude' to describe that method; see 'The Question of "Typology" and the Wakefield *Mactacio Abel*', *American Benedictine Review* 25 (1974) 157-73. Cf. Clifford Davidson's 'The Realism of the York Realist and the York Passion', *Speculum* 50 (1975) 270-83, which comes to a similar conclusion, that the York playwright uses verisimilar detail in combination with traditional Christian symbolism 'to point to the truths of the Christian story as these are to be made applicable to the lives of all those who look upon the spectacle' (274).

9 Cf. Auerbach, *Mimesis*, pp. 151-73. Miss Woolf examines the plays' implied ideas of stylistic decorum and points out that the late imposition of aureate diction marked the end of their dramatic life (*Mystery Plays*, p. 313). Joseph L. Baird and Lorraine Y. Baird show that 'the great strength' of the Hegge *Joseph's Return* 'derives from the shocking paradox effected by [the] bold presentation of the central event of biblical history in the lowest and coarsest of literary forms', the *senex amans* fabliau: 'Fabliau Form and the Hegge *Joseph's Return*', *Chaucer Review* 8 (1973) 159-69.

the timeless within the typological framework. But the Cain and Abel plays gain even more for they, like the plays of Judas, Pilate, and Herod, present in addition a dramatic situation which accords with both medieval and modern ideas of tragic structure. Several levels of meaning in the religious plays in general, and in the Cain and Abel plays in particular, can be established schematically by distinguishing between allegorical and typological planes of reference and by noting some implications of the use of typology. It is convenient in discussing the drama to distinguish between the allegorical, in which the thing signified *may* be wholly intellectual, and the typological, in which both the sign and the signified are historically real.¹⁰ Thus in the drama allegorical meaning is the immediate moral, didactic meaning: in the Cain and Abel plays, lessons about the duty of creature to Creator, the danger of envy, and, following St. Augustine, the qualities of the City of God and the City of Man.

The typological plane of reference, more complex, requires subdivision into its two components, the human anticipations and the divine fulfillments, which correspond to *humilitas* and *sublimatas* as theological and aesthetic categories. The *humilis* aspect of the Cain and Abel plays suggests three time planes: the 'anachronistic' present — the fifteenth-century moment of performance; the historical past — the time of Adam; and the dramatic future — the time of the Crucifixion. The action is rooted in egregiously human activity, and its presentation is correspondingly concrete, 'realistic', rowdy, and ostensibly irreverent in tone. Dramatic impact is immediate, and emotional involvement intense. Meaning is limited to the social and psychological. In the Cain and Abel plays, the *humilis* aspect is tragic in its outcome — Abel is murdered and Cain is banished from God and man — but comic in tone: the risibly grotesque and parodic prevail until virtually the last moment of the play.

The largely affective *humilis* aspect must be distinguished from the ideational *sublimis* aspect. The time plane is now that of the theological past: Abel's death adumbrates the Atonement, his offering the Eucharist. The *sublimis* time plane accordingly suggests the theological present and future, the time of the New Law, the condition of Grace. The plays' action thus implies the eternal and the profound; dramatic activity which seemed light, immediate, and irreverent now acquires deepest symbolic implication as human history is subsumed in the

10 Cf. Henri de Lubac, *Exégèse médiévale*, 2 vols. (Paris, 1959) and "'Typologie" et "allégorisme"', *Recherches de science religieuse* 34 (1947) 180-226; Erich Auerbach, 'Figura' in *Scenes from the Drama of European Literature*, trans. Ralph Manheim (New York, 1959), p. 74 n. 51; D. W. Robertson, Jr., *A Preface to Chaucer* (Princeton, 1963), pp. 291-94; K. J. Woolcombe, 'Biblical Origins and Patristic Development of Typology' in *Essays on Typology* (Studies in Biblical Theology 22; Naperville, Ill., 1957), pp. 39-75; De Bruyne, pp. 77 f. and Jean Daniélou, *From Shadows to Reality*, trans. Wulstan Hibberd (London, 1960), pp. 4-11, 104 f.

timeless, vast Providential design. This level of meaning combines with the allegorical plane of reference to express the plays' underlying didactic intent. In dramatic mode, the *sublimis* level of the Cain and Abel plays is mixed, comic for Abel, who will triumph with Christ, and tragic for Cain, who is damned.

Pikeharnes' ranting prologue seems an inauspicious introduction to an argument asserting the theological and dramatic gravity of the *Mactacio Abel*. Its obscenity indeed appears unrelated to any serious theme. Yet the prologue moves deliberately, and it has relevance to the business of the play. The prologue is thus representative of this play and the cycle plays generally. Quite naturally, Pikeharnes emphasizes in the first stanza that the audience — on pain of special suffering — must be quiet; only two passing comments refer to anything other than the demand for silence.¹¹ But the second stanza, picking up references to his role as forerunner and servant to Cain, reverses the emphasis of the first. One sentence demands silence; the remaining lines, after Pikeharnes vaunts his own importance, either anticipate Cain's imminent arrival or suggest the kind of person he is by implying that he is familiar to all, as indeed he must have been.¹² Now there is no obscenity, and the only appeal for laughter — 'Bot I trow ... Som of you ar his men' (20) — is muted by the disinclination to be considered 'Cain's kin'. The prologue remains comic, but it has moved from meaningless to meaningful laughter.

Indeed the prologue's relevance to the substance of the play is surprising. It causes the audience to await Cain's arrival eagerly; it suggests casually that Cain is indeed a scoundrel; it implies satirically that there are more Cains in the audience. Moreover it uses laughter to assert theme in the midst of its obscenities. As Davidson recognizes (p. 499), when Pikeharnes identifies himself as Cain's forerunner, he pointedly makes himself an antitype to John the Baptist, the fore-

11 *Mactacio Abel*, ll. 3-5, in *The Wakefield Pageants in the Towneley Cycle*, ed. A. C. Cawley (Manchester, 1958). Subsequent citations are to this edition.

12 The literature recounting Cain's story implies its familiarity to the untutored and learned alike. Basic theological analyses are reflected in the plays and in these Middle English works: *Ormulum*, ed. R. M. White and Robert Holt (Oxford, 1878), ll. 14456-505; *Cursor mundi*, ed. Richard Morris (EETS 57; London, 1874), ll. 1045-1182; *Piers Plowman*, A-Text, X.135 ff.; B-Text, IX.118 ff.; C-Text, XI.208 ff.; *Life of Adam and Eve*, ed. Mabel Day in *The Wheatley Manuscript* (EETS 155; London, 1921), pp. 86-89; *Canticum de creatione* and *The Lyff of Adam and Eve*, ed. Carl Horstmann in *Sammlung Altenglischer Legenden* (Heilbronn, 1878), pp. 124-30, 200-24; *Speculum sacerdotale*, ed. E. H. Weatherly (EETS 200; London, 1936), p. 96; *The Story of Genesis and Exodus*, ed. Richard Morris, 2nd ed. (EETS 7; London, 1873), ll. 398-486; *The English Works of Wyclif*, ed. F. D. Mathew, rev. ed. (EETS 74; London, 1902), p. 211; and *Polychronicon*, ed. Churchill Babington, 2 (London, 1869), p. 231. See further O. F. Emerson, 'Legends of Cain, especially in Old and Middle English', *Publications of the Modern Language Association* 21 (1906) 831-929, and Hans Dürschmidt, *Die Sage von Kain in der mittelalterlichen Literatur Englands* (Bayreuth, 1919).

runner of Christ, whom Abel prefigures. The parallel, hardly accidental, would certainly be grasped by perceptive members of the audience, for the role of John the Baptist is prominent in liturgy and in the Gospels. Pikeharnes' 'wote ye not I com before' (5) seems in fact a deliberate parody of John's words in the nineteenth play: 'I go before, bodword to bere, / and as forgangere am I send'.¹³ Laughter would greet Pikeharnes' words, but those laughing could well have understood the diabolic parody. Unlike John the Baptist, who comes 'ffrom hym that alkyn mys may mend ... his wayes to wyse, his lawes to lere', Pikeharnes precedes Cain, whose depraved willfulness confirmed the first sin. The ensuing ribaldry makes the contrast still more vivid and meaningful. In religious and social senses Pikeharnes serves his master.

In the prologue, as in the play, the comic calls up the figural, so that the dramatic action becomes rich in ironic meaning; and the figural, in counterpoint to the comic action, both localizes and universalizes the dramatic moment as the constant fact of human response to the free choice of 'grace or rude will'. The figural authenticates the dramatic fiction; and the vitality of the dramatic vehicle authenticates the historicity and timelessness of the sacred events depicted and implied by giving them 'a local habitation and a name'.

With his arrival thus anticipated, Cain enters with a clamor, beshrewing his eight-animal plough-team, ranting not like a status-conscious Herod but like a peasant provoked beyond forbearance.¹⁴ Cain ironically invokes God's curse on the team and in that mood summons Pikeharnes, who returns cursing his master. Cain rebukes him for making him guide the plough and drive the reluctant team. With a flourish Pikeharnes takes control of the animals and exclaims over their vigorous advance. The bickering continues, aggravated by the servant's contempt for the master, until Cain, having second thoughts about pursuing Pikeharnes' impudent defiance, wearily resigns himself to the situation and suggests that they get back to work: 'We! now nothyng bot call on tyte, / That we had ployde this land' (53 f.). Abel enters and Pikeharnes walks off the job until Cain summons him again following the murder.

Undoubtedly the antics of Cain and Pikeharnes provoked laughter. But equally without question, somber implications underlie the action, restraining and directing the laughter. Here, although the figural framework is present, the implications are mainly allegorical. Knowing Cain to be the founder of the earthly city and hence the secular man who prefers the temporal to the eternal, perceptive

13 *The Towneley Plays*, ed. George England (EETS ES 71; London, 1897), pp. 195 f., ll. 25-30.

14 G. R. Owst, *Literature and Pulpit in Medieval England* (Cambridge, 1933), pp. 364-68, 391 f.; Williams, 'Comic in the Cycles', 108, 123 f.

members of the audience would understand that the bickering of Cain and Pikeharnes is to be expected from those who long for the carnal.¹⁵ The similarity between Cain and Yorkshire farmers renders that meaning even more effective. Moreover, as Gardner stresses, the relationship between Cain and Pikeharnes is a travesty upon the balance of feudal privileges and responsibilities, and thus anticipates Cain's false vassalage to God. The ploughman, who in traditional iconography represented the persevering Christian, now personifies the contrary.

The interlude between Cain and Pikeharnes serves dramatic ends as well. To his credit the playwright employs graphic dialogue, in reciprocal relation to stage activity, to establish Cain as a complex figure rather than the single-faceted boor of the Cornish, York, and Hegge plays. The episode is even more impressive in making Cain's faulty tithe dramatically inevitable and the first step of an inexorable progression leading to the murder, then to desperate defiance, and finally to passive, pathetic despair.

Cain's reaction to Abel's entrance provides the first case in point. To Abel's pious greeting Cain lashes out:

Com kis myne ars! Me list not ban;
 As welcom standys theroute.
 Thou shuld haue bide til thou were cald;
 Com nar, and other drife or hald —
 And kys the dwillis toute!
 Go grese thi shepe vnder the toute,
 For that is the moste lefe. (59-65)

Far from indicating Cain's mindless vulgarity, the outburst is dramatically necessary and contributes to establishing Cain as a fully-fleshed personality. It is not accidental that Cain is in such a foul mood. His servant has boasted of sabotaging his ventures, has reduced him to impotent rage in offering to fight, and at the moment Abel enters has wandered off, leaving Cain the unmanageable task of guiding the plough and driving eight animals. Thus from a dramaturgical point of view, Abel's entrance is timed perfectly. Abel's greeting precipitates Cain's pent-up hostility. Not content with 'God spede the, brother', Abel adds a pious *sentence* which Cain's experience leads him to doubt — 'as he both may and can' — and includes Pikeharnes in his blessing. The verbal explosion is inevitable; Cain's anger is naturally transferred from the actual agent of his injury to a convenient, passive scapegoat. Clearly Cain is not simply a vicious lout. He is a coarse, outspoken peasant who feels himself victimized by his world, by

15 Later authorities echo Augustine's denunciation of Cain's priorities in *Contra Faustum* 12.12 (CSEL 25/I. 341); cf. Middle English reflections in *Polychronicon*, p. 227, and in Wyclif, *Works*, p. 374.

the earth which begrudges him a living, and by a servant who conspires with the elements to deprive him of it. Perhaps realizing that his troubles represent the harsh consequences of original sin, his resentment grows in bitterness and pride until he defies God Himself, thus taking the ramifications of his attitude to their ultimate conclusion.

Even Cain's verbal assault is not unrelieved and pointless vulgarity; it confirms his complex character. Cain interrupts his denunciation to make it clear that he is not going to delay his ploughing. That fact assumes added significance when it is recalled that he had forestalled the fight with Pikeharnes by insisting that they get back to work.¹⁶ Later, when Abel urges him to tithe, he again refuses to leave his work (91 f.) and pointedly rejects Abel's theological argument that all his goods come from God (99 f.). Work and independence are sacrosanct to the founder of the earthly city. Cain calls attention to how hard he works in order to demonstrate his great sacrifice in coping with the adversity God has given him. Work for him becomes a ritualistic self-flagellation enabling him to impugn God's mercy and depict himself as a martyr to God's injustice. Driving himself as hard as he can, grumbling all the while, is his way of assailing God.

Thus Cain bitterly resents Abel's patience and ridicules his passivity by suggesting that he has a special fondness for the distasteful duties of his occupation (64 f.). One indication of his resentment is that his language, while rough, is not obscene until Abel enters. To a person of Cain's temperament, Abel's reassurance, 'Broder, ther is none hereabout / That wold the any grefe' (66 f.), contradicts his experience — and what the audience has just witnessed as well. And when Abel bases his appeal to tithe on the orthodox but naive assumption that 'blis withoutten end / Get we for oure seruyce' (81 f.), Cain again rejects the argument on the grounds of his own experience: 'Me gifys he noght bot soro and wo' (95 f.). For each of Abel's social, theological, and metaphysical remonstrances Cain has ready a reply which is rooted either in his own experience (according to the dramatic situation) or in his carnal, materialistic thinking (according to the play's theological framework). Thus he overtly challenges the assumption that since every good and perfect gift comes from God (Js 1:17), man demonstrates his gratitude by returning the tenth. Unlike the other playwrights, this dramatist does not depend on the perfunctory assertion that it is shameful to burn good food. He gives Cain forceful arguments, ardently developed.

In refusing to make Cain a straw man for Abel's orthodox piety to demolish, the Wakefield playwright makes the debate question the theocentric metaphysic of the entire cycle; the conflict in this play is indeed real and important. Both Cain

¹⁶ Cawley, *Wakefield Pageants*, p. 91 n. to l. 54.

and Abel are presented as laymen who do not understand the theological ramifications of Cain's behavior. Neither can foresee the consequences of Cain's rejecting an authoritarian pronouncement from which he has not benefited; and Abel can argue for compliance only on the basis of vague fear (145), pious belief (98, 116 f.), the obligation of ancient custom and parental command (69-73, 101-103), and the possibility, which Cain's experience contradicts, of an eternal reward which Christian commentators thought to be implied in Mal 3:10 (81 f.). The brothers' debate takes place in a social climate which, questioning tithe, would sympathize with Cain; members of the audience would no doubt laugh to see common practices enacted.¹⁷ Conversely, the debate occurs within a widely known background of exegetical commonplace. Cain's mood, though it springs from the dramatic situation, was that ascribed to him from the time of Chrysostom to *Cursor mundi*;¹⁸ his acquisitiveness corresponds to the universal gloss of his name as *possession*; his reluctance to tithe is rooted in exegetical lore;¹⁹ and his perverted tithe echoes learned and popular analyses.²⁰ In its dual allusiveness and appeal the debate leaves far behind the perfunctory homily and the sterile *disputatio*. It is an argument based on lived experience in conflict with one based on lived belief which is not validated in experience until the believer is dead. The playwright gives the scene dramatic vitality, even comic exuberance, to achieve the credibility and empathy which effect emotional persuasion; he relies on the audience's concurrent awareness of exegetical accounts to maintain awareness that the play brings to life the conflict between the Cities of God and Man.

Thus, as the debate progresses, Cain's arguments become longer and more impassioned while Abel's merely punctuate Cain's rhetoric — the reverse of the other plays. For the moment Cain has found in an apparently remote Deity a scapegoat even more passive than Abel. Consequently Cain becomes increasingly convinced by his own rhetoric, and his indignation builds until he presumptuously condescends to offer his tithe:

Here my trowth, I hold the woode.
 Wheder that he be blithe or wroth,
 To dele my good is me full lothe.
 I haue gone oft on softer wise
 Ther I trowed som prow wold rise.
 Bot well I se go must I nede;

17 See Owst, *Literature and Pulpit*, pp. 396, 492.

18 Chrysostom, *Homiliae in Genesim* 19 (PG 53. 158 f.); *Cursor mundi*, ll. 1075-84.

19 John E. Bernbrock, 'Notes on the Towneley Cycle *Slaying of Abel*', *Journal of English and German Philology* 62 (1963) 317-22; Ambrose, *De Cain et Abel* (PL 14).

20 Josephus, *Antiquities* 1.2.1-2; Ambrose, col. 348; Augustine, *De doctrina Christiana* 15.6; Peter Comestor, *Historia scholastica, Liber Genesis* 26-27 (PL 198.1076-78); Alcuin, *Opuscula exegetica* 1, inter. 15 (PL 100.518); *Cursor mundi*, l. 1065; *Lyff of Adam*, p. 224.

Now weynd before — ill myght thou spede! —
 Syn that we shall alगतys go.

(158-166)

He utters his grudging consent in the same spirit in which he regards work; once again he is the victim of God's injustice and Abel's pestering.

With Cain thus self-satisfied, the brothers arrive at the altar. Quite properly, dramatically and doctrinally, Abel first makes his offering with dispatch and reverence, thus returning attention to Cain. Then follows the long, richly comic scene in which Cain miscounts his sheaves and scrupulously selects the worst to offer. Cain enjoys the opportunity to practice his defiant philosophy, and his mood controls the moment. Finally inviting Abel to cover his eyes so that he cannot possibly select the best (Cawley, p. 92), he makes a game of perverting both the spirit and the letter of proper ritual (182-225). He exults in his niggardliness, emphasizes how hard he works, and again impugns God's justice:

Now and he get more, the dwill me spede! —
 As mych as oone reepe —
 For that cam hym full light chepe;
 Not as mekill, grete ne small,
 As he myght wipe his ars withall.
 For that, and this that llys here,
 Haue cost me full dere;
 Or it was shorne, and broght in stak,
 Had I many a wery bak.

(234-242)

Laughter would accompany this scene, but not that sanctimonious laughter which delights in the assurance that the sinner will reap the wages of his sin. Rather it is the laughter awarded the bold person in whose nonchalant defiance of authority most of us vicariously participate with pleasure. But possibly because our participation remains vicarious, and because we understand the consequences of behavior to which the actual offender seems oblivious, our laughter is restrained and perhaps guiltily self-conscious. In laughing at Cain's antics we also pity him. Perhaps the medieval audience would have reacted in much the same way. Chaucer's Parson might have found Cain's behavior too offensive for laughter; but it is difficult to imagine the Nun's Priest, for example, not laughing as Cain's abandon becomes more hearty and less grim.

Yet all the while the theological framework of the play conditions the audience's response to it. If they indeed recognized that they would not act as Cain even though they enjoyed watching him, they were responding to the Christian metaphysical scheme which informs the play and establishes its fundamental themes. Perhaps they would recall sermons which reflected Peter Comestor's assertion that in giving his poorest sheaves to God Cain gave his

heart to the devil.²¹ But more crucially, Cain's unbelief, his faithless rejection of God's grace according to Heb 11:4, proves experientially to be an unlivable philosophy. Even at the height of Cain's buffoonery the serious point is asserted as he damns himself in unmistakable terms:

Thou wold I gaf hym this shefe? or this sheyfe?
 Na, nawder of thise ij wil I leife.
 Bot take this. Now has he two,
 And for my saull now mot it go. (251-254)

This last line is indicative of the playwright's method in the entire scene; the line is humorous in the context of Cain's antics, but its inescapable implication undercuts the humor and directs attention to the play's serious meaning. Even Cain's hilarious reaction to the black, stinking smoke which his sacrifice emits establishes thematic gravity, for the smoke betokens not only God's disapproval but also His immediacy and the imminence of His intervention. Now we fear for Cain, and we laugh *at* him. In contrast, the pious Abel, the type of Christ and the symbol of the Church and the Heavenly City, finds his belief vindicated.

As Cain's sacrifice is rejected the movement of the play continues with dramatic inevitability toward the fulfillment of a biblical plot which, like the other plays, seems rather arbitrary in comparison. His actions now are conditioned by his losing encounter with Pikeharnes, by Abel's constant wheedling, and, most importantly, by the rejection of his offering, which vindicated Abel's nagging and at the same time crushed his happy, self-satisfied assurance. Abel thus is entirely human but singularly rash in commenting that Cain's offering 'is not worth oone leke' (285). Cain's reply ominously anticipates what is shortly to follow; as he has throughout the play, he transfers blame for his own failure to a convenient scapegoat: 'For the it brens bot the wars. / I wold it were in thi throte, / Fyr, and shefe, and ich a sprote' (287-290). When at this point God rebukes Cain, further vindicating Abel by declaring that a proper tithe will indeed earn a reward (291-296), his reaction is entirely consistent. Humility in the face of rebuke, without which penitence is impossible, is foreign to the dramatic Cain no less than to the founder of the earthly city. Yet the dramatist's immediate concern remains not homiletic but dramatic, so much so that the sordidness of this situation almost makes us forget the sublimity of the event it prefigures. Just as the ancient theologians theorized, reproof incites Cain not to repentance but to further defiance.²² He sneers at the traditional 'still small voice' of God:

21 Cf. *Vices and Virtues*, ed. F. Holthausen (EETS 89; London, 1888), p. 37.

22 e.g. Ambrose, col. 372, and Cyril of Alexandria, *Glaphyra in Genesim* l. 2 *De Cain et Abel* (PG 69.35), and *In Joannis evangelium* 6 (PG 73.898).

Whi, who is that hob ouer the wall?
 We! who was that that piped so small?
 Com, go we hens, for parels all;
 God is out of hys wit! (297-300)

Yet his contempt has the tenuous ring of one trying frantically to reassure himself, and this last line indicates that despite his effort to maintain his customary confidence, he recognizes his peril. Certainly the laughter which would greet this speech would be modulated by the expectation that God's impending retribution will be the more severe because Cain has scorned His warning. The audience would perceive the barely suppressed terror in his voice and would understand that Cain is about to realize God's power. But Cain characteristically thinks he can escape from God by fleeing from the place of sacrifice and hiding (301-307). Shortly his damnation is severance from the sustaining presence of God.

Even as the playwright thus prepares for Cain to be caught red-handed in murder, he further manipulates the biblical plot. Superficially, Cain's urging Abel to flee with him is the equivalent of his biblical invitation, 'Let us go forth abroad' (Gen 4:8). But Abel evades the invitation by voicing his wish to inspect the cattle (308-310) — which biblical commentators speculated was Cain's excuse to get Abel in a good spot for the murder. Abel is understandably wary of Cain's mood. Cain responds precipitously, his pent-up fury now unchecked; and as Abel tries to run away Cain seizes him and threatens vengeance, blaming Abel for the rejection of his offering (311-315). Abel, panic-stricken and unable to play the patient martyr with a ready theological rejoinder, is more interested in escape than in debate: 'Godys will I trow it were / That myn brend so clere; / If thyne smoked am I to wite?' (320-322). Once more Abel's involuntary sanctimoniousness propels Cain into a fury. He strikes with the jaw-bone of legend. Dying, Abel calls out for vengeance and, as the type of the Lamb of God, proclaims his innocence.

Cain's response to the murder is entirely consistent with his character, and it maintains the peak of emotional intensity which has marked the entire sequence: 'Yei, ly ther, old shrew! ly ther, ly!' (330). And in defiance he turns to the audience, shaking his fist: 'And if any of you thynk I did amys / I shal it amend wars then it is' (331 f.). But in the succeeding lines the dramatist achieves not only splendid characterization but also significant thematic statement by placing the action boldly in the fifteenth-century moment of performance. Cain, who thinks he has evaded God's detection, is now concerned to avoid apprehension by his fellow men. Knowing the law, Cain is concerned lest he be discovered with the body, for that would imply his guilt or lead to the raising of the hue and cry against him, entitling anyone to kill him if he resisted arrest. He decides instead, ironically, to take advantage of the privilege of sanctuary — several famous sanctuaries, their license much criticized in contemporary discussion, were located

near Wakefield — for the customary forty days, after which he would have to stand trial or abjure the realm.²³

Into som hole fayn wold I crepe.
 For ferd I qwake, and can no rede;
 For be I taken, I be bot dede.
 Here will I lig thise fourty dayes,
 And I shrew hym that me fyrst rayse. (337-341)

At that instant, with great dramatic force, the voice of the 'hob ouer the wall' calls him, just as He called Adam and Eve. Cain is so astonished that he gets confused in his childlike attempt to persuade God that he is someone else: 'Who is that that callis me? / I am yonder, may thou not se?' (343 f.). Responding to God's question about Abel, Cain denies knowledge. As in the Chester play, he stammers in confusion until he can regain the presence of mind to formulate the philosophical denial (345-349). God responds by pronouncing the curse, which closely follows the first part of the curse recorded in Gen 4.

Cain's reaction is what would be expected of him. He is too headstrong and violent to be instantly reduced to snivelling. The defiance which had marked him before is merely augmented by God's malediction. And properly so, for now, according to the universal medieval understanding of the biblical event,²⁴ Cain has fallen into despair, which compounds his defiance, prompts his rejection of the 'malison', and indeed explains the reckless abandon which characterizes his lament. In the toils of despair, he cares nothing for life:

Syn I haue done so mekill syn
 That I may not thi mercy wyn,
 And thou thus dos me from thi grace,
 I shall hyde me from thi face.
 And whereso any man may fynd me,
 Let hym slo me hardely,
 And whereso any man may me meyte,
 Ayther by sty or yit be strete;
 And hardely, when I am dede,
 Bery me in Gudeboure at the quarrell hede;
 For, may I pas this place in quarte,
 Bi all men set I not a fart. (358-369)

23 B. A. Brockman, 'The Law of Man and the Peace of God: Judicial Process as Satiric Theme in the Wakefield *Mactacio Abel*', *Speculum* 49 (1974) 699-707.

24 So from the *De institutis coenobiorum* of John Cassian (c. 370-c. 435) onward (ed. Jean-Claude Guy (Paris, 1965), p. 376). Cf. Gregory the Great, *In septem psalmos poenitentiales expositio* 4.14 (PL 79.591). See further Susan B. Snyder, 'The Left Hand of God: Despair in Medieval and Renaissance Tradition', *Studies in the Renaissance* 12 (1965) 18-59.

Surely it is mistaken to maintain that the topical reference to Gudeboure, in Wakefield, and the final vulgarity destroy the impression of a damned exile. On the contrary, they reinforce the impression of Cain's utter despair as one who 'abaundoneth al his herte to every maner synne', as Chaucer's parson says, citing St. Augustine.²⁵

When God replies that He will not condone murder by permitting even Cain to be slain, Cain's response indicates that in his despair nothing matters to him since sooner or later he will go to his ultimate reward: 'No force! I wote wheder I shall: / In hell, I wote mon be my stall. / It is no boyte mercy to craue, / For if I do I mon none haue' (374-377).

At this point there is a pause, and when Cain resumes speaking the continuity of the play seems broken. Almost as if he has forgotten the despair which he has just registered, he is concerned now to hide the body of Abel; so he summons Pikeharnes to help him bury it. The ensuing buffoonery appears devised only to entertain the audience. Yet closer examination reveals that this penultimate scene anticipates Cain's brief concluding soliloquy effectively and conveys substantial meaning within the theological framework of the play by offering vivid commentary on the quality of life within the City of Man.

Cain's progression from despair to wishing Abel's body hidden is in fact quite consistent with his established character. He does not respond to damnation by grovelling in self-pity on the ground. He is indeed subdued by his experience, at least momentarily. But he confronts his sentence to life in the same spirit in which he had approached life before his damnation. Earlier his defining impulse was to get the ploughing done in such an ill temper that everyone would know how severely God was treating him. Now it is entirely appropriate that, believing himself hopeless before God, he should take care to preserve that which he has left, his standing with his fellow men. He knows full well what is in store for him when he dies; he is concerned now, as St. Augustine said of the desperate,²⁶ to make his mortal life as felicitous as possible. At the beginning of the play Cain thoughtlessly antagonized his fellow men and convinced himself that he could live independently of God. Banished now from God, he has the opportunity to try his philosophy empirically as well as theoretically, and without understanding his torment he immediately begins to suffer the agony of isolation from God.²⁷ Abandoned by God, it becomes vitally important to enlist the comforting

25 *The Parson's Tale* (X.704) in *The Works of Geoffrey Chaucer*, ed. F. N. Robinson, 2nd ed. (Boston, 1957), p. 250.

26 e.g. *De conflictu vitorum et virtutum* 15 (PL 40.1098).

27 See Ambrose on the horror of Cain's condition, *De Cain* col. 357; cf. Hugh of St. Victor, *Adnotationes elucidatoriae in Pentateuchon* 7.4 (PL 175.44).

assistance of men, to assay life in a City of Man insulated from the spirit of God. The contrast brilliantly realizes the basic metaphysical conflict of the play.

Thus it occurs to Cain that he could dispose of the body more easily with Pikeharnes' help. But ironically, instead of soliciting Pikeharnes' cooperation, he demonstrates that he is no more successful in dealing with his fellow man now than he was in dealing with either God or man in the early part of the play. His fundamental egocentricity prevents his looking beyond his own urgent needs. His anguish translated into rage, as earlier his shame was transformed into rage and defiance, he calls the servant and greets him with a blow. Recalling that he must ask a favor of him, Cain apologizes and proceeds to pronounce the king's peace (406-409). That he of course has no authority for doing so heightens the satiric point of the episode, for, as Cawley notes (p. 94), the audience must many times before have heard similar proclamations, many of which were travesties of justice of almost the same magnitude. Historians of late fourteenth- and fifteenth-century England have pointed out that such pardons were an abuse in criminal justice which the society bitterly resented. As early as 940 King Edmund had decreed that the most serious infractions against the general peace of the kingdom would be *bōtlēās*, and the offender sentenced to death or to its practical equivalent, outlawry, unless the king pardoned him by pronouncing his peace upon him. Vernacular accounts considered Cain's condemnation, to wander as a fugitive banished from the face of God, a sentence to outlawry as they knew it.²⁸ Cain, a knowledgeable citizen of the earthly city, understands as well as any fifteenth-century felon how to escape from the legal consequences of his homicide.

Cain's specious pronouncement thus operates as pointed and deliberate social satire; the audience must have thought Pikeharnes' mocking asides entirely appropriate and representative of their own opinion of the whole class of royal pardons. They must have voiced their approval in laughter. But this episode also establishes important thematic meaning. Cain's worthless decree, like his earlier retreat to sanctuary, satirizes the administration of justice in fifteenth-century England by associating the contemporary society with the egocentric ethos of Cain's City of Man. At the same time it points out that Cain is attempting to make his self-sufficiency complete. Cut off from the peace proffered in the Mass, the 'peace that surpasseth all understanding', he is resigned to attempt to live independently of God. He now presumes as well to be a law unto himself. He has disavowed contingency upon everything. The scene moreover invites the audience

28 Brockman, 'The Law of Man', 699 ff. Cf. *Genesis A*, ed. G. P. Krapp in *The Junius Manuscript* (New York, 1931), ll. 1010-21; *Beowulf*, ll. 107-10, 1261-65; Ælfric's *Heptateuch*, Gen 4:11-16; *Lyff of Adam and Eve*, p. 224; *Genesis and Exodus*, ll. 429-40; *Cursor mundi*, ll. 1122-82; and *Polychronicon* 2.227.

to ask whether they too are, like Cain, citizens of the earthly city; for it is after all the noblest of their society who endorse Cain's presumption by pardoning offenders as great as he. The comic and serious dimensions of the moment combine to anticipate forcefully the devastating conclusion of the play, in which Cain will be compelled to endure in endless anguish the isolation he now finds so satisfying.

Pikeharnes' mockery forces Cain to break off his proclamation, and in anger he reaches for the servant, who climbs out of danger and sarcastically bestows upon the audience the same 'blissynge withoutten end' which God has given Cain — a reminder of the peace which those who elect Cain's city are deprived of. This moment seems the play's weakest, and it appears doubly unfortunate that it comes near the end. Yet perhaps it too is relevant to the dramatic business. Its reversal of the customary benediction (Cawley, p. 94) suggests with sharp irony that Cain is one of the few who will experience final damnation. In addition it may sarcastically affirm Pikeharnes' suggestion in the prologue that some of the audience are Cain's men and consequently merit his 'blissynge'. If so, the playwright is once more actualizing the conflict between the Cities of God and Man in his own community.

That the next line begins the only true Wakefield stanza in the play (Cawley, p. 127) may imply that the Wakefield master felt that the play needed a conclusion more forceful than the weak joke and cerebral ironies of Pikeharnes' 'benediction', one which would return attention to the central dramatic figure, Cain. Thus he proceeds to drive home the omnitemporal implications of the conclusion by giving them concrete dramatic substance in Cain's personal, immediate tragedy.

The penultimate stanza first provides for Pikeharnes' exit, so that Cain remains on stage alone. But it accomplishes other ends as well. When his anger subsides sufficiently for Pikeharnes to think it safe to come down, Cain's preoccupation is apparent; unless the tone and volume of his threats were restrained, Pikeharnes would not venture the loss of his sanctuary. And it is hardly accidental that the playwright has Cain, who usually swears by the devil when he is sincere (Cawley, p. 92), swear with great ironic force 'bi Codys sydys' and 'by hym that me dere boght'. Just as was customary for Cain early in the play, his basic command to Pikeharnes is to 'take yond plogh, I say, / And weynd the furth fast before' (452 f.). And he gives Pikeharnes a perfunctory warning to see to it 'fro now furth euermore, / That thou greue me noght' (457 f.). But the old cocksureness seems gone from his voice, replaced by weariness. His heart is not in the imprecations, for he is thinking ahead to his final words, which acknowledge his fugitive's life and his thralldom to the devil, 'warld withoutten end'. But it is the astonishing irony of the oaths which drives home the crushing weight of his hopelessness even as, by recalling the figural import of the whole

play, they hold up the possibility of redemption for those witnessing the spectacle: for Cain, who has doubted the sufficiency of God's mercy, there is no salvation, in this life or the life to come. The utter despair of his last oath, 'By hym that me dere boght', underscores the pathos of his threats, intoned in defeat. Cain's world is now that which St. Peter Chrysologus had visualized, using Cain as his chief example, to convey the unrelieved despair of human existence before the Incarnation permitted man to look upon God in the love which drives out fear: 'timor solverat universa; ... in coelo divinus splendor prostraverat angelos; in terra tonitrua et fulmina corda mortalium quassabant ... Amare non potest, qui satis timet: hinc est quod mundus perire maluit quam timere; pavore mors ipsa levior' (*Sermo* 147, 'De Incarnationis sacramento', PL 52.594).

Then in his concluding soliloquy Cain registers the emotion which had affected his dismissal of Pikeharnes. He is resigned now to the fate which he thought he could evade by continuing his life among his fellow men. Significantly he now repeats in abject despair the line which had proclaimed his determination to make the best of life. The recognition that 'In hell, I wote, mon be my stall' (375) now determines his attitude to life in another way altogether. The lines are lengthened, slowing the pace and asserting the deep emotion of the moment:

Now fayre well, felows all, for I must nedys weynd,
 And to the dwill be thrall, world withoutten end:
 Ordand ther is my stall, with Sathanas the feynd.
 Euer ill myght hym befall that theder me commend
 This tyde.
 Fare well les, and fare well more!
 For now and euermore
 I will go me to hyde.

(463-470)

Shamed and cursed by God, Cain in despair longed for death; when death was denied him, he thought to live without God among men. Now, completely defeated and entirely humbled, he stands alone on stage and then wanders off along his solitary way.

Cain realizes now the gravity of God's curse, and more importantly in terms of the thematic conflict of the play, he realizes in his own experience — thus persuading the audience — what the biblical Cain had perceived instantly, that banishment from the face of God is death in life. It is most significant that men have not actively intervened in Cain's affairs following the curse; the playwright's point is that God's removal of his presence is sufficient to destroy a man. For this reason Cain's concluding speech provides a brilliantly effective reversal of his earlier bravado. Thus at the end of the play Cain stands alone in total defeat, abandoned first by God and then, just as the Old English poets and

the *Cursor mundi* had stressed, by man: for his murder he is driven from the pale of life.²⁹ He now recognizes empirically the mighty power of that 'hob over the wall' who had reduced him to utter despondency without any physical intervention. This is the end, initiated when he summoned Pikeharnes to help conceal Abel's body, to which his attempt to live without God among men has come: 'I will go me to hyde'. The essential fact of Cain's story is that he recognizes experientially that he is not self-sufficient only when he is given what he had in effect been seeking, complete isolation.

* * *

By their very nature the cycle plays present a multilevel dramatic texture astonishingly rich in contrasting, complementary implications created by the counterpoint of the comic and the tragic, the humble and the sublime, the laughable and the awesome. Nowhere is the mixture richer, the fusion of contrasting modes more meaningful, than in the *Mactacio Abel*. The satire is more pointed, the laughter harsher in this play than in others, though its action, while coarse and rowdy, is less grotesque than that of, say, the plays portraying the Slaughter of the Innocents. The point of its satire and coarseness, however, is not merely to raise a laugh, nor simply to ridicule social injustice. Rather the satire invites extension from a social to a theological point and the laughter is decidedly bivalent: the audience laughs at Cain's blasphemy and at Pikeharnes' mockery of royal pardons, but self-consciously, wondering about the degree to which they share Cain's doomed outlook.

More importantly, the everyday topicality, the familiarity which the typological principle demands, and the laughter which it encourages, act together at once to localize and universalize the drama of Cain's willful damnation. Like Marlowe's *Faustus*, this play remains a medieval play since it does not substitute a humanistic framework for the theological framework within which alone its action is meaningful. Yet because of the human interest which the typological principle creates, the play, like *Faustus* and other plays of the Wakefield Master, is paradoxically at the point of breaking out of the controlling framework and out of the context of the surrounding plays of the cycle.³⁰ Renaissance and later artists responded to the human appeal of Cain's story in just this way, by focusing on him at the moment of the murder or the damnation, separating his agony from the surrounding biblical story to explore the psychological rather than the theological meaning of his tragedy. But this break, though threatened, has not yet occurred; in fact, it is a mark of the Wakefield playwright's genius that he ex-

29 Cf. *Cursor mundi*, ll. 1149-60; *Beowulf*, l. 110.

30 Cf. Miss Woolf's belief that the playwright concludes the play in farce in order to distance Cain and avoid 'giving excessive imaginative weight to one play' (*Mystery Plays*, p. 128).

plots the human appeal of both Cain and Abel to direct the responses of the audience toward comprehending and accepting the play's underlying theological truths. Both Cain and Abel are at once sympathetic and unsympathetic; both may be felt to garner the pity we reserve for tragic figures.³¹ One is engaging as human, like us the victim of the Fall, and the other, blameless, is pitiable as the victim of the prior victim. Yet we find Abel's piety supercilious and Cain's querulousness tiresome. We lament Abel's needless death and find consolation in his eventual triumph, but we dislike his relentless righteousness. We resent Cain's peevishness and condemn him for his wanton offense. But we also perceive the sequence of circumstance which joined with his distinctive personality to impel him almost, if not quite, inevitably to commit murder; and we sympathize with him as a fellow mortal oppressed by his world, doomed to utter isolation in life and then to eternal damnation. In a sense, the play's greatness lies in the establishment of these human qualities; the playwright has left far behind those versions which foreshadow the Crucifixion so completely that the brothers' conflict becomes a contest of unmitigated villainy against unalloyed saintliness. The basic point of view is dramatic, not homiletic.

Yet the unresolved conflicting appeals for sympathy do carry profound theological meaning as well. The individual point of view from which Cain's antics are funny engages our sympathy in the first half of the play, just as does his tragic suffering at the conclusion. But as the last lines of the play remind us of the element of cosmic history which Cain's brief moment re-enacts, the individual, timebound perspective yields to the timeless, theological vantage point. The audience finds itself in the position of Dante, who had to learn to feel no sympathy for those condemned to the Inferno by omniscient judgment. The audience likewise must make the hard choice between affective sympathy for Cain and rational rejection of his seductive human appeal. They must respond in earnest to Pikeharnes' jest, in the play's opening lines, that some of the audience are Cain's or the devil's men. To have sympathy for Cain is finally to become Cain's man, to elect the City of Man over the City of God. But the dramatist, to his great credit, never puts the issue in such exhortative, homiletic, allegorical terms; rather he embodies it largely in the dramatic, typological mode, so that men are required to choose amidst the welter of confusing appearances that characterize the life in which the conflict between the Cities of God and Man is actually waged.

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31 See John R. Griffin, 'The Hegge Pilate: A Tragic Hero', *English Studies* 51 (1970) 234-44. Cf. Stanley J. Kahrl, *Traditions of Medieval English Drama* (London, 1974), chap. 5; Martin Stevens, 'The Theatre of the World: A Study in the Medieval Dramatic Form', *Chaucer Review* 7 (1973) 237; and Woolf, *Mystery Plays*, pp. 98, 128.

APPEALS FROM THE DUCHY OF BURGUNDY
TO THE PARLEMENT OF PARIS
IN THE EARLY FOURTEENTH CENTURY

Carola M. Small

IN the early Middle Ages, appeal, that is the process of referring the decision of a lower court of law to a higher court with a view to having it altered, was a comparatively rare phenomenon in France. It could hardly be otherwise in a legal system which depended heavily on the ordeal and other similarly irrational methods of proof. If a man failed in the ordeal, that was that, and his case could not profitably be reviewed. The only grounds on which a litigant could appeal in such a system were, firstly, if he were denied justice completely — that is, if the lower court refused to deal with his case — and secondly, if he wished to accuse his judge of giving a deliberately false judgement. In either case a successful appeal would, in its turn, imply the guilt of the judge of the lower court who could then expect to be fined, while equally, an unsuccessful appellant would be fined for making false accusations.

But with the disappearance of the ordeal and the growing importance of the evidence of human witnesses as a basis for legal decisions, it became easier to challenge such decisions on the grounds that the judge had misinterpreted the evidence, not necessarily deliberately and not, therefore, necessarily culpably. In these circumstances, appeals of false judgement became more common. It remained normal for the judge of the lower court to appear in the higher to defend his decision, but a successful appeal no longer led automatically to his being fined and, conversely, an unsuccessful one no longer invariably led to the conviction of the appellant for malicious appeal. Thus appeals became popular and accordingly it became desirable to establish a system of appeal courts. This was done in the royal demesne in France during the first half of the thirteenth century and, at the same time, an attempt was made to extend the royal jurisdiction in appeal to the vassals of the crown of France, including the most powerful of them, the dukes of Brittany, Burgundy and Aquitaine and the count of Flanders. The purpose of this paper is to survey the evidence for appeals from Burgundy under the Capetian dukes (that is until 1361), to discuss the practice of

appeal in Burgundy and, as a preliminary, to relate it to the general development of appeals in France.

The royal attempt to extend appeals to the great fiefs met with varying success. The Flemings seem to have had little recourse to the Parlement of Paris before the second half of the fourteenth century, whereas the Bretons early showed sufficient interest in the process to make it necessary for the duke and the king to make a formal agreement in 1231 regulating appeals to France.¹ Aquitaine and Burgundy come between these two extremes. Appeals became important in Aquitaine during the last quarter of the thirteenth century and in Burgundy shortly afterwards.

There is a marked correlation here between the number of appeals made to France and the development of appeal courts within the fief itself. Brittany was the earliest fief to acquire its own internal system of appeal courts which it had as early as the agreement of 1231, Flanders the latest, with no complete system until the acquisition of the county by the Valois dukes of Burgundy in the late fourteenth century. The kings of England set up a hierarchy of appeal courts in Aquitaine during the thirteenth century, and a rather haphazard system was in operation in Burgundy by 1300 although it was not perfected until some thirty years later. It seems that the habit of appeal within a fief also encouraged the subjects of that fief to take appeals to France. Certainly no vassal with his own appeal courts could challenge the validity of the concept of appeal. Hence, perhaps in part, the correlation; although it would, of course, be misleading to suggest that the familiarity or otherwise of the concept of appeal was the only factor governing the frequency of appeals to France. The people of Flanders, for example, were fairly consistently hostile to the king of France during the thirteenth and early fourteenth centuries and so were unlikely to appeal to him. The people of Aquitaine tended to be governed largely by political considerations in making appeals, sometimes taking them to the king of England rather than the king of France. Nevertheless, it is likely that where appeals were easy within a fief, litigants were also readier to take them to Paris. This by no means suited the great vassals, and appeals could therefore be a major source of friction between them and their royal suzerain.

The problems arising from the royal jurisdiction in appeal did not merely stem from the fact that the effectiveness of feudal appeal courts was bound to be reduced if the crown were successful in attracting appeals to the Parlement of

¹ On appeals from Brittany to France see E. Texier, 'Des appels du Parlement de Bretagne au Parlement de Paris', *Travaux juridiques et économiques de l'Université de Rennes* 1 (1906) 113-51. For Flanders see F. L. Ganshof, 'La Flandre' in *Institutions françaises au Moyen Age*, ed. F. Lot and R. Fawtier, 1 (Paris, 1957), pp. 413-16; and for Aquitaine, Y. Renouard, 'Les institutions du duché d'Aquitaine', *ibid.*, p. 173.

Paris. This was, of course, an important consideration but more serious was the effect on the government of the fief. No vassal, however powerful, could hope to rule his fief independently of the king if the decisions given in the courts of the fief were subject to review by the Parlement. A judicial decision in the late Middle Ages often had very far-reaching political and administrative consequences. For example, Van Caenegem has shown that appeals from Flanders in the fifteenth century (when they at last became fairly frequent) enabled the Parlement to interfere in the choice of local magistrates, the punishment of abuses committed by the count/duke's officials in the exercise of their duties, the relations between the Flemish towns, the guild regulations in the towns and even the competence of the various Flemish tribunals.² It is not therefore surprising that the great vassals claimed that their immunities exempted them from the appellate jurisdiction of the king, defied the royal officers and tried to prevent their subjects from making appeals.

The most obvious example of opposition by a vassal to appeals comes from Aquitaine where appeals to Paris were a major cause of the hostility between the king of England, as duke of Aquitaine, and the king of France, which led to the Hundred Years War. Neither Burgundy nor Brittany allowed matters to go so far. In Brittany, where the 1231 agreement at least clarified the position, the only difficulty (which, however, seems to have been considerable) was in ensuring that the agreement was kept. In Burgundy, where the problem only became important at the end of the thirteenth century, the situation was more nebulous. The duke of Burgundy never denied the possibility of appeals by his subjects to the Parlement from his courts, as the duke of Aquitaine did. On the other hand, he was governed by no formal treaty, as was the duke of Brittany, and therefore was in a better position to discourage any appeal of which he disapproved. Nevertheless, the number made was not insignificant and it is of considerable interest to see how the process worked in this, one of the most powerful but also the most loyal of the great 'feudal principalities' of France.

It is difficult to define with complete precision the rules by which appeals were made from Burgundy to France. Up until the reign of Duke Eudes IV (1315-49) the number of recorded appeals is very small and even during Eudes' reign, by which time appeals had come to be a normal part of Burgundian legal procedure, there is no specific definition of what constituted the difference between regular and irregular appeals. It is safe to say, however, that there were at least two regulations in addition to the general restrictions on appeal. The first of these was that the royal *baillis*, the local representatives of the royal authority, who were

2 R. Van Caenegem, 'Appels flamands au Parlement de Paris au Moyen Age' in *Etudes d'histoire du droit privé offerts à P. Petot* (Paris, 1959), pp. 61-68.

relatively humble individuals, were not allowed to accept them; they could be made from the duchy only to the Parlement of Paris. The second was that appeals to France could be made only from the highest court of the duchy.

The first of these provisions was necessary on two counts. Firstly, as we shall see, it made the working of the whole system much easier. And secondly, in Burgundy, there was a legal obstacle to appeals to *baillis*. This was the peerage of the duke. The institution of peerage developed in France during the thirteenth century and, by the reign of Louis IX, peerage was a status recognised in law, carrying with it certain rights and privileges and restricted to twelve laymen, who inherited their peerage with their titles, and twelve ecclesiastics. The duke of Burgundy was one of the first lords to be created a peer of France and the privileges he enjoyed seem to have formed a model for later peerages.³ Among these privileges was the right not to answer a suit in any court of law except that of the king, that is to answer only before the king himself or the Parlement representing the king. This meant that, since the duke or his representative had to defend the decision of a ducal court in any appeal made from that court to France, and since in fact, all the courts in Burgundy were ducal courts except for a few feudal courts which were subordinated to the ducal courts, it became legally impossible to appeal from Burgundy except to the Parlement or directly to the king.⁴

The existence of the privilege of peerage was not, however, the most important consideration in the regulation of appeals from the great fiefs. The duke of Brittany, for example, did not become a peer until 1297, but the regulation that appeals from the courts of Brittany should go only to the Parlement was in use long before that date.⁵ This was because of the existence of a hierarchy of courts in both Brittany and Burgundy. Appeals from one court to another lay within the hierarchy, and this meant that all but the important or complicated cases or those brought by thoroughly intractable litigants were sorted out within the fief itself; and there was little point in sending any of those that remained to a royal *bailli*. Litigants in important cases were unlikely to be satisfied with the judgement of a *bailli* (in difficult cases the *bailli* himself would probably feel it wiser to refer the

3 Ordinance of September 1297, giving Brittany the status of duchy and peerage, printed in A. Lancelot, *Mémoires concernant les pairs de France* (Paris, 1720), p. 118: '... Ipsum ducem ... creamus et promoveamus in parem et paritatis hujusmodi dignitatem Britanniae ducis annexentes et praesentium tenore statuimus ut tam ipse quam successor ejusdem ducis Britanniae qui pro tempore fuerit Par ejusdem regni perpetuis temporibus habeatur omnigenae paritatis ejusdem quem ad modum dilectus et fidelis noster dux Burgundiae compar ejus jure et prerogativa laetatur.'

4 Dijon, Archives départementales de la Côte d'Or (cited hereafter as ACO) B 345: '... apellationes emanentes ab audientia dominorum temporalium dicti ducatus Burgundiae non ad vos sed ad ipsum ducem *ratione sue paritatis* seu etiam ad parliamentum nostrum interponi debeant ...' (in letters of Charles IV to the *bailli* of Mâcon, February 1326; italics mine).

5 Texier, 'Des appels'.

matter to the Parlement), and litigants who stubbornly refused, on no good grounds, to accept the ruling of a lower court were probably hoping to spin their cases out so that they might never be obliged to accept an adverse decision as final; in which case to send their case to the court of a royal *bailli* before it went to the Parlement was simply to play into their hands. Moreover, no duke would willingly allow decisions taken in his courts to be tampered with by a mere *bailli*. Appeals from feudal appeal courts therefore went straight to the Parlement.

In some fiefs there was no system of appeal courts. In these, appeal lay to the royal courts at a much earlier stage and to insist that all appeals should go to the Parlement would have involved hardship for some of the litigants and excessive pressure of work on the Parlement. From such fiefs it was expedient that appeals should go to the royal *baillis*. It was therefore incumbent on peers who wished to avoid having to defend the judgement given in the courts elsewhere than in the Parlement, or on lords who resented having their decisions subject to review by the *baillis*, to create appeal courts within their fief. The alternative was for them to decentralise justice within their fief — to allow appeals from their vassals to go direct to the royal courts without ever coming in contact with their own courts so that they themselves were not involved — and to send only appeals which immediately concerned them to the Parlement. Needless to say, this solution, although it would have suited the king, was not one that commended itself to many of the temporal peers of France, although it still operated as late as the mid-fourteenth century in some fiefs, notably those of the counts of Flanders and Artois, both of them peers of France.⁶

The second regulation, that appeals to Paris must be made only from the highest court of the fief, which again applied both in Burgundy and Brittany, was presumably instigated by the dukes. If appeals had been acceptable from any court in the fief, the hierarchy within the fief would quickly have broken down and chaos would have resulted. The kings might not have been wholly sorry to see this happen. They did not view with any great pleasure the creation of appeal courts within the fiefs of the great vassals, the existence of which inevitably reduced the number of appeals to France. There is evidence that, by the time of Philip IV, the king intervened to prevent the creation of new appeal courts.⁷ No king, however, could afford to ignore completely the claims of his vassals and

6 Ganshof, 'La Flandre'; H. Nowé, *Les baillis comtaux de Flandre des origines à la fin du XIV^e siècle* (Académie royale des sciences, des lettres et des beaux arts de Belgique, Classe des lettres et des sciences morales et pacifiques, Mémoires 25; Brussels, 1929). For examples of appeals from Artois to the royal *baillis* see H. Furgeot, *Inventaire analytique des actes du Parlement de Paris, série II, 1328-1349* 1 (Paris, 1920), nos. 520, 1410.

7 E. Boutaric, *Inventaire analytique des actes du Parlement de Paris, série I, 1254-1328*, 2 vols. (Paris, 1863-67), 1, no. 2560c. (order of c. 1288 that seigneurial judges of appeal should be removed from office if they have not been instituted in accordance with custom).

although the royal officers at the local level sometimes tried to usurp the jurisdiction of the feudal appeal courts, the crown itself, as will be seen, recognised the rule that appeal from Burgundy and Brittany was valid only from the highest court of each fief, at least in theory.

By 1361 the system of law courts in Burgundy was one of the most sophisticated in France. It began to take shape under Robert II (1272-1305), superseding the old feudal courts, and was perfected by Eudes IV. It was similar to that of France and doubtless evolved partly in response to the increasing demands of the French system. This is not to imply that the dukes had a conscious policy of keeping the king out of Burgundy by themselves supplying services as good as those offered by the king. More probably they acted partly on the grounds that anything the king did they could do as well or better, partly in response to new demands prompted by the developments in the royal domain; but the effect was the same. The Burgundian law courts were good, and the royal courts, except at the highest level or in special circumstances, became unnecessary just at the time when the king was trying to expand their competence.

The lowest level of appeal courts in Burgundy were the courts of the ducal *baillis*. These *baillis* were first appointed under Hugh IV (1216-72) and their number fluctuated throughout the thirteenth century before five *bailliages* were finally established in 1316, these being Auxois, Chalon, Dijon, La Montagne and Montcenis.⁸ The courts of these *baillis* usually acted as courts of the first instance but they also heard appeals from the *prévôts* and *châtellains* who administered the duke's domain and from the courts of some feudal lords in the duchy. It was possible, however, to appeal from the courts of the feudal lords directly to one of the higher courts, leaving out the courts of the ducal *baillis*. The high courts of the duchy were four in number. The oldest of them was the ducal council to which most cases involving really important vassals were referred from the lower courts, either on appeal or by the judge of the lower court himself. There are traces of the judicial work of this council from 1219 onwards and, at least from 1244 on, it contained a number of lawyers.⁹ It had no formal place in the government of Burgundy until 1350, when the succession of a minor to the dukedom made it indispensable; but it had been important from a much earlier time and was probably responsible for those legal decisions reported as having been made by the duke himself.

From about 1280 or possibly earlier, appeals from the *baillis* of Burgundy to the duke became more common and, since the duke's council could not deal satisfactorily with all of them, other courts with similar functions emerged. The

8 J. Richard, *Les ducs de Bourgogne et la formation du duché du XI^e au XIV^e siècle* (Publications de l'Université de Dijon 12; Dijon, 1954), pp. 459-70.

9 *ibid.*, pp. 431-32.

most commonly used appeal court was the 'auditeurs des causes d'appeaux'. These auditors made their appearance as an organised court in the early years of the fourteenth century. They represented the duke and, at first, no appeal was possible from them to him or to any other court representing him.¹⁰ By 1349, however, yet another appeal court, superior to the auditors, emerged. This was the *Grands Jours de Beaune*, the Burgundian equivalent of the Parlement of Paris. Like their prototype the *Grands Jours* originated partly as judicial sessions of the duke's council and partly as extraordinary consultative assemblies called to assist the duke's government. By the time of Eudes' death they were still partly consultative and many of the important decisions of government were taken when the *Grands Jours* were in session, but their main function had definitely become the dispensation of justice. Unlike the sessions of the Paris Parlement, however, the *Grands Jours* were still held very irregularly and lasted for a comparatively short time.¹¹ They did not, therefore, replace the *auditeurs des causes d'appeaux* who, except for a short break in summer, met regularly throughout the year. The decisions of the auditors could be reversed at the *Grands Jours* but appeal from the former to the latter was not very common.¹² On the other hand, appeal from the auditors to the Parlement of Paris was not, in theory, permitted by 1349, although it was undoubtedly allowed earlier, before the subordination of the auditors to the *Grands Jours* had become established.¹³

A fourth appeal court in the duchy was the Chancery. This dealt with all cases involving acts made under the ducal seal. It was separated from the duke's council in the reign of Robert II and was fully established as a separate court under the chancellor by 1329.¹⁴ It acted as a court of the first instance but also received cases on appeal. It was possible to appeal from it to any other of the three appeal courts in the duchy.

10 *Coutumier bourguignon de Montpellier*, art. 60, in E. Champeaux, 'La compilation de Bouhier et les coutumes bourguignonnes du XIV^e siècle. Le coutumier de Montpellier', *Nouvelle revue historique de droit* 30 (1906) 804.

11 J. Billoud, *Les états de Bourgogne aux XIV^e et XV^e siècles* (Dijon, 1922), pp. 9-21.

12 The only case I have found from Eudes' reign is an appeal by the dame de Sombernon against a decision of the auditors reversing an earlier decision of the chancery. She appealed unsuccessfully to the *Grands Jours* and subsequently with success to the Parlement of Paris: Archives Nationales (cited hereafter as AN) X₁a 11, fols. 221r-222v. See *infra* p. 358.

13 e.g. J. Fricaudet, *Chartes de l'abbaye de Saint-Etienne de Dijon, 1320-1330*, Collection de textes sur l'histoire du droit et des institutions de la Bourgogne (Dijon, 1908), no. 25. See *infra* p. 360. For good accounts of the judicial system in Burgundy see E. Champeaux, *Ordonnances des ducs de Bourgogne sur l'administration du duché* (Dijon, 1907), introduction, and P. Petot, *Registres des Parlements de Beaune et de Saint-Laurent-les-Chalon, 1357-1380* (Paris, 1927), introduction.

14 Richard, *Les ducs de Bourgogne*, pp. 500-505.

In addition to these regular appeal courts, there were also special auditors. These were appointed by the duke to deal with specific cases. They represented the duke and appeals from them normally went to the Parlement of Paris, though there is some evidence from the early fourteenth century that they were, at that time, considered to be subordinate to the general *auditeurs des causes d'appeaux*.¹⁵

Before the death of Philip IV in 1314, only one regular appeal is recorded as having been made from Burgundy to the Parlement. This was in 1277 when Robert II dismissed the mayor and city council of Dijon after they had refused to pay him 500 marcs of silver, which he said they owed him. At the same time he suspended the charter of the commune and took the government of the city into his own hand and, shortly afterwards, he appointed a new mayor. The old mayor then appealed to the king. The quarrel generated a good deal of violence and whether it was this or the threat of interference by the king that troubled Robert is uncertain, but in January 1278 he backed down, restored the commune and apparently indicated his willingness to restore the mayor. But matters had, by this time, gone too far and the case between the old mayor and the new was continued in the Parlement, though the duke now took the precaution of obtaining letters promising that it should not prejudice his rights in the town in the future. In fact, the position was already serious enough. The right to confirm the election of the mayor and *échevins* of Dijon undoubtedly belonged to the duke; and although this did not necessarily mean that he also had the right to dismiss them, there was at least a good argument that he had. If the Parlement upheld the old mayor, the duke's authority would be greatly lessened. Moreover, the case was beginning to attract other matters to the Parlement. In the course of the rioting, several murders had been committed and the trial of these was also referred to the Parlement. It was later sent back from there to the court of the duke, but the whole affair involved delay and much unwelcome interference.¹⁶ It is significant that there are no other records of appeals from Burgundy in the earliest records of the Parlement, the *Olim*. Robert no doubt took his own measures to discourage them and although, as we shall see, the lack of record in the *Olim* is not conclusive proof that no other appeals were made at this time, it does suggest that, if any were made, they did not get very far.

One kind of appeal which Robert apparently was not successful in stopping

15 A. Giffard, 'Un texte sur les auditeurs de Bourgogne', *Revue bourguignonne de l'Université de Dijon* 13 (1913) 19-26.

16 J. Garnier, *Chartes des communes et d'affranchissements en Bourgogne* 1 (Dijon, 1867), pp. 45-46; *Les Olim ou registres des arrêts du Parlement, 1254-1318*, ed. A. A. Beugnot, Collection de documents inédits pour servir à l'histoire de France, 2 (Paris, 1848), p. 145; Boutaric, *Actes* 1, no. 2254.

was the irregular appeals to the royal *baillis*. In 1315, one of the requests put forward by the nobles of Burgundy in the list which was to form the basis for the first charter to the Burgundians was that 'the king shall make provision that his men do not intervene to do justice in the lands and places where the said nobles and religious have been accustomed to have high and low justice but that the said nobles and religious shall do justice there in all cases, except in cases of appeal made in a proper fashion to the king or to his officials, for default of justice or through wrong judgement.'¹⁷ It is fair to infer from this that some appeals had not previously been made in a 'proper fashion'. There were several ways in which a royal officer might interfere in the jurisdiction of feudal lords, but much the easiest was for them to receive wrongful appeals in their courts, and this they had presumably done. The officers most concerned were the *baillis* of Sens and Mâcon who were responsible for enforcing the royal authority in Burgundy; but unfortunately, since most of the records of their *bailliages* have been lost, the surviving records of interference by them are necessarily slight. Clearly, however, the problem was sufficiently serious to annoy the vassals of the duke of Burgundy and perhaps also the duke himself.

The charters to the Burgundians did not greatly alter the situation with regard to irregular appeals. By the time of Charles IV, the *baillis* were again receiving appeals from lower courts of the duchy. The duke is said to have complained about this in 1325 and Charles IV sent letters ordering them to desist.¹⁸ These seem to have been more or less effective and there are no further complaints on the subject until the time of Philip the Bold.

Regular appeals to the Parlement of Paris from the high courts of the duchy became more frequent after the death of King Philip the Fair in 1314 and the accession of Eudes to the duchy in 1315. Three were made from the *Grands Jours de Beaune* in 1329, 1331 and 1348, all of them apparently in actions over the possession of land, although, except in the last case, a rather complicated action by the Dame de Sombernon against a kinsman who had sold family land without first giving her the opportunity to buy it, the records are too slight to be very clear.¹⁹ There were four appeals, the substance of which is not recorded, from hearings purporting to be by the duke himself; but since the separation of the ducal council and the *Grands Jours* was comparatively recent and the distinction was not always observed by the clerk recording the cases, it is possible that these also came from the *Grands Jours*.²⁰ There was one appeal from special auditors to

17 *Ordonnances des roys de France de la troisième race*, ed. E. de Laurière and D. F. Secousse, 21 vols. (Paris, 1723-1849) (cited hereafter as *Ords.*), I.559, art. 8.

18 ACO B 345.

19 AN X_{1a} 8845, fols. 101v, 244v; X_{1a} 11, fols. 221r-222v.

20 Three of these were in 1324 (AN X_{1a} 8844, fols. 280r, 280v; ACO B 1323) and one in 1326 (AN X_{1a} 8844, fol. 359v).

Paris in 1323 by the abbey of Saint-Martin d'Autun against a group of its dependents who had successfully claimed to be *bourgeois* of the duke of Burgundy and therefore exempt from any obligations to the abbey;²¹ and an appeal by the abbey of Saint-Bénigne de Dijon probably also came from a special commission.²² Two others were made from the 'men of the duke' though there is nothing to indicate whether these were regular or special judges.²³ In one instance, a case between the abbey of Cîteaux and the bishop of Autun, the provenance of the appeal is not mentioned though, as the duke is said to be backing Cîteaux, it must have come from one of his courts.²⁴

These are the only appeals from the high courts of Burgundy during the reign of Eudes IV of which there is any record. In addition there were at least two appeals accepted from the lower courts, one from the ducal *bailli* of Dijon in 1324 against a sentence ordering an inhabitant of Chalon to pay perpetual rent on a house in Chalon, and the other from the chancellor in 1328.²⁵ These infringed the regulation that all appeals must come from one of the highest courts, and it is odd that they should have been allowed. They were made in due form and the duke's proctor was present, as in all normal appeals, to justify the previous verdict, so that there was no reason for the Parlement to refuse them. The duke's acquiescence is, however, surprising. But exceptions of this sort were rare. Eudes was normally more mindful of his rights and after 1328 the new king, Philip VI, was not anxious to create friction between himself and his vassal of Burgundy by encouraging appeals which were not in order. He sent at least two such back to Burgundy. The reports of one of these are too scant to make it clear what the irregularity was or on what grounds the king acted,²⁶ but the other is very fully documented. The whole history of the case provides an important illustration of the working relations between royal and ducal justice and deserves to be reported in full.

It concerned a quarrel between the abbey of Saint-Etienne de Dijon and the inhabitants of the village of Ahuy (Côte d'Or, *arrondissement* Dijon). It lasted for almost the whole reign of Eudes and was referred no fewer than four times to the Parlement of Paris. It all began in 1322 when the people of Ahuy claimed exemption from the high justice of the abbey and from the obligation to pay *taille* — the tribute exacted by lords from their unfree tenants — to the abbey. By way of further irritating the abbey they also claimed a few minor privileges at

21 Boutaric, *Actes* 2, no. 7102.

22 ACO 1H 14.

23 Boutaric, *Actes* 2, no. 7906 (1327); AN X₁a 8846, fol. 144v (1335).

24 AN X₁a 7, fol. 180 (1336).

25 AN X₁a 8845, fol. 39v; Furgeot, *Actes* 1, no. 120.

26 AN X₁a 8848, fol. 164r.

the same time. They took their case first to the ducal *bailli* of Dijon and lost it. Then they appealed to the *auditeurs des causes d'appeaux* who, in 1324, confirmed the decision of the *bailli*.²⁷ Nothing daunted, the inhabitants then proceeded, in 1328, to appeal to the Parlement of Paris against the decision of the auditors. They did gain a little by this move, for the Parlement, while confirming the essentials of the original verdict, decided that the inhabitants had a just claim to some of the minor privileges. This temporarily satisfied them and, as a result of the decision of the Parlement, they made an agreement with Saint-Etienne in 1331 which was supposed to be a final settlement. It was confirmed by the Parlement in 1333 and that should have been the end of the matter.²⁸

But the inhabitants of Ahuy had not yet admitted defeat. Sometime within the next six years they resolved to try a new judge. This time their choice fell on the royal *bailli* of Sens, an official whom they had no right to invoke but whom they apparently expected to be sympathetic. When the king heard about it, he ordered the *bailli* to restore the case to the duke at once and his order was obeyed. The inhabitants then appealed again to the Parlement of Paris, but shortly afterwards they renounced that appeal, perhaps on representations from the duke.²⁹ That was in May 1339.

By October of the same year, they had thought out a new line of attack. This time they did not invoke any court but simply refused to pay the *taille* in Dijon-nais currency, although it had been laid down in the 1332 agreement that this was the currency which should be used. They attempted, instead, to pay in debased royal currency. When the abbey insisted on payment in Dijon money, they applied once more to have the case tried by a royal court, probably that of the *bailli* of Sens, contending that, since it concerned the use of royal currency, it ought to be reserved to the crown. In this they were not, strictly speaking, correct, but the suggestion assured them of a sympathetic hearing, particularly as the matter under discussion was now, ostensibly at least, the refusal of the abbey to accept the royal currency, which was contrary to the royal ordinances. The application to be heard by a royal *bailli* was, therefore, successful, even though there was no real legal justification for it. The abbey and the duke naturally complained, whereupon the king, once he was in full possession of the facts, ordered the *bailli* to send the case back to the duke's court. The *bailli* evidently obeyed — he had little excuse for doing otherwise³⁰ — and in 1340 Eudes appointed special commissioners to deal with the case. They were no more successful than any previous judge had been, though they did reach a decision (in favour of the

27 Fricaudet, *Chartes de l'abbaye*, nos. 5, 25, 28.

28 Garnier, *Chartes des communes* I. 193-96.

29 AN X₁a 8, fol. 192v.

30 ACO G 312.

abbey) and an attempt was made to give it more weight by reserving it for a formal sentence in the *Grands Jours*.³¹

Nevertheless, in 1347, the inhabitants once again renewed their plea, this time, however, only before a ducal *bailli*. They appealed from his decision, given as usual in favour of the abbey — but the appeal was taken no further than the *Grands Jours de Beaune* and when they were unsuccessful yet again, the inhabitants finally accepted defeat.

The affair shows, on the whole, a remarkable respect on the part of the king for the duke's right of jurisdiction. The repeated efforts of the people of Ahuy to escape ducal justice met with only very brief success, and their failure seems to have been as much the result of direct action by the crown as of intervention by the duke. The efforts of the men of Ahuy were probably dictated by the hopes of getting a favourable verdict from judges less well placed for a correct assessment of the situation than those of Burgundy, rather than by any doubts as to the quality of the justice dispensed in the ducal courts. There is little reason to suppose that the duke's judges were unfairly prejudiced in favour of the abbey, and the action of the inhabitants probably arose from an awareness of the weakness of their case. This was not the only instance of an attempt to use the royal justice to get an unfair decision.³²

The number of appeals from Burgundy under Eudes IV seems to show a marked increase on the totals for his two predecessors, Robert II and Hugh V. Because of the inadequacy of the surviving evidence it would, however, be unwise to infer too much from this. The only evidence for the period before 1318, apart from chance references in the Burgundian archives, comes from the *Olim*, of which the series is incomplete and which in any event did not record all cases which came before the Parlement. After 1318 the *Olim* were replaced by the *registres des Jugés* and the *Criminel* registers which are slightly more comprehensive; and in 1319 these were supplemented by the *registres de Greffe* which note arrangements made in advance for cases scheduled to come before the Parlement, many of which were never in fact heard. They also note suspensions of cases and acts made pending the termination of certain cases. Thus the chances of our knowing about an appeal made in the reign of Eudes are much greater than for any earlier period, and the apparent increase in appeals may be no more than a reflection of the improvement in the records.

For the reign of Eudes himself, on the other hand, it is possible to be more

31 ACO G 133.

32 ACO B 944. The priory of Paray-le-Monial tried to claim royal justice in order to avoid the authority of the ducal *bailli* of Montcenis who had given sentence that the property of the priory should be confiscated in retaliation for its disobedience to the duke of Burgundy and the count of Clermont.

specific. It is still most unlikely that the record of appeals is complete. The *Criminel* registers and the *registres des Jugés* report only cases which were actually concluded before the Parlement or on which the Parlement issued special instructions; the value of the *registres de Greffe*, although they are more comprehensive, is reduced by the extreme brevity of the entries which make the registers obscure and at times incomprehensible. And even the *registres de Greffe* do not necessarily mention all the cases which, for one reason or another — because the king or the duke had them stopped, because they were not in order or because the hearings were so long delayed that the point of the case was lost — never reached a hearing at all. Sometimes there are references to these elsewhere, notably in the Burgundian archives, but such references are few and far between and it is likely that there were more of such cases — including appeals — than those recorded. Nevertheless, since the sources, whatever their limitations, remain the same throughout the reign (except for the first three years and the last four), it is possible to compare the proportions of appeals at different times during the reign. Such a comparison shows that, within the reign itself, the incidence of appeals was much greater at the beginning than in the middle and later years. More than half the appeals recorded are dated between 1322 and 1328, that is while Charles IV was on the throne of France. This may be fortuitous but it is more probable that it was the consequence of deliberate policy on his part. Of the three sons of Philip the Fair, Charles most nearly resembled his father and, like him, consciously tried to extend the royal power by manipulating the law. He did not live long enough to make his policy effective but, while he lived, one aspect of his policy which he pursued most eagerly was the attempt to attract litigation to the royal courts.³³ He was not outstandingly successful in Burgundy. Only eight appeals were actually dealt with in the Parlement and, even given that there may have been others projected, that is not a great many. Still, Charles made himself felt. It is probably no accident that it was during his reign that there was also a revival of wrongful appeals to the *baillis* of Sens and Mâcon.

After 1328, appeals from Burgundy became rarer. Philip VI, occupied first in establishing his title to the throne and then in war against the English, was never as active in the great fiefs as his uncle and cousins had been. Perhaps he was wise, for there might have been trouble if Charles's policy had been continued. As it was, Eudes was, at least outwardly, prepared to allow appeals, provided they were made in a regular manner though, considering the fall in the number made, it is possible that he secretly discouraged them. It is worth noting that in two cases which arose shortly after 1328, the appeal was never in fact heard because

33 For Charles's activity in Burgundy see ACO B 972, B 345, B 960, B 11481 (letters to the royal *baillis*).

the appellant failed to appear on the day assigned, although it must be stressed that there is no evidence to show that the duke was in any way instrumental in stopping either case.³⁴ But whether or not Eudes actively discouraged appeals after 1328, he certainly kept a close watch throughout his reign to see that no appeal was made which would give the king an opportunity to interfere in the government of the duchy. Appeals from Burgundy at this time concerned only matters of minor importance. All but one, which came from the early part of the reign, were in civil actions and most dealt with disputes over land tenure. Sometimes the parties involved were quite influential, but their cases had no relevance to the general government of the duchy.³⁵

The only three cases which contained any real threat to ducal authority came to nothing, partly at least through the agency of the duke. The first of these was brought by the lord of Mont-Saint-Jean who, convicted of several acts of violence and of waging private war, was sentenced by the duke to forfeit some of his castles. He appealed to the king, not against the justice of his conviction, which was undeniable, but against the duke's right to inflict the punishment. This could have been an important case and might have opened up the whole question of the duke's right to deal with private war in the duchy, a question which might not have been decided in favour of the duke, since the king was himself trying to extend his control of private war at the time; but in the end the lord of Mont-Saint-Jean considering, as he put it, the peril which might arise in the duchy from such an appeal, withdrew it. It would be interesting to know what means the duke employed to induce him to do so.³⁶

In the second case the evidence of the duke's hostility is more explicit, though the end of the affair is obscure. In about 1325 the abbey of Saint-Bénigne de Dijon brought a suit against the duke of Burgundy for having transferred the Burgundian mint from Dijon to Auxonne. The abbey owned half the profits in the Dijon mint and therefore claimed, reasonably enough, that the mint could not be closed or transferred without its permission. In 1328 when the abbot and convent had still failed to obtain any satisfaction in Burgundy, they appealed to Philip VI, who summoned Eudes to attend the next Parlement to answer for his action. The delivery of the summons was entrusted to a sergeant of the *bailli* of Sens. He went to Dijon, found the duke absent and was unable to extract from the council any information as to his whereabouts. He then tried the duchess who was staying some distance away in the country, but was blandly told that she had no idea where her husband was. The unfortunate sergeant then returned to Dijon

34 AN X₁a 8845, fol. 101v (1329) and fol. 244v (1331).

35 e.g. cases involving the abbey of Cîteaux (AN X₁a 7, fol. 180), the Dame de Sombernon, then head of one of the most important families in Burgundy (AN X₁a 11, fols. 221r-222v).

36 ACO B 1323.

and spent a week searching for the duke before he finally found him on his return from Paris. So far, the sergeant's woes cannot have been unusual though, judging by the tenor of his report, he found them fairly frustrating. But worse was to come. When he at length got audience of the duke, the latter, although he read the summons, refused to return it in token that he had received it, and the sergeant could get no satisfaction from him. The duke did not, apparently, attend the Parlement and nothing came of the appeal.³⁷ The case was eventually settled by a compromise made in Burgundy in the presence of certain of the higher clergy of Burgundy. But the duke kept the Auxonne mint.

The third appeal which was a real menace to the authority of Eudes IV was merely threatened and was never in fact made. It was proposed in 1342 by the mayor and corporation of Dijon, who alleged that their rights had been infringed by the appointment of a ducal commission for the reform of the duchy, which was to have its headquarters in Dijon. They asked for redress and, failing to obtain it, decided to appeal.³⁸ The duke was sufficiently perturbed to agree to negotiate with the commune, a compromise was reached and the appeal dropped. The commune, however, was still dissatisfied and, at a later date, even repeated the threat to appeal, but it was never realised. That it was not is a measure of the duke's control over his subjects, for he never withdrew the commission. It may therefore be concluded that appeal from Burgundy to France under Eudes IV was not easy in the face of real opposition from the duke.

The commission of 1342/3 has a further interest in the history of appeals from the duchy at this time. It applied only to the duchy and had no powers in the other lands of Eudes IV. But in 1343 Eudes appointed a separate commission for the county of Burgundy and specified that its competence should also extend to other lands across the Saône, including those in the duchy. The county of Burgundy (later known as the Franche-Comté) was a fief of the empire and was not at this time subject to the kings of France. It had come to Eudes as a result of his marriage with its heiress in 1317. The other lands across the Saône, which included the county of Auxonne and some territory east of Chalon-sur-Saône, were similarly outside the realm of the French king although, having been acquired rather earlier, they had been incorporated into the duchy. The effect was to give the duke of Burgundy a small area within his duchy in which he was completely independent — his theoretical allegiance to the emperor for these lands being of no practical importance, since no emperor or king of the Romans tried to enforce it. And these lands being outside the jurisdiction of the French king, there could, of course, be no appeal from them to the Parlement and hence none

37 ACO 1H 14.

38 Dijon, Archives municipales B 129.

from the commission established in them.³⁹ Clearly part of Eudes' object in creating this new commission was to limit the possibility of appeal to France. He did not often exploit the peculiar position of the lands across the Saône. Compared with his Valois successors, for example, his restraint was remarkable. Philip the Bold went to the length of establishing a separate court, the *Grands Jours de Saint-Laurent-les-Chalon*, just across the river from Chalon to serve the lands across the Saône. But though Eudes made less use of the loophole supplied by the legal anomalies of the lands across the Saône than he might have done, the commission of 1343 shows that he was not unaware of their existence or slow to use it when the occasion demanded.

Eudes was succeeded by the minor Philip of Rouvres in 1349. The regent for the young Philip was, from 1350, his stepfather, King John II, and naturally, under his authority, any limitations which Eudes might have placed on appeals to Paris were removed. Unfortunately, the nature of the evidence for appeals again changes slightly, shortly before Philip's accession. The *registres de Greffe* come to an end in 1345. They are partly replaced by the registers of the *Grands Jours de Beaune* which note if a case were subsequently appealed to the Parlement of Paris; but the registers of the *Grands Jours* begin only in 1357 and deal only with those cases actually heard in the *Grands Jours*. The majority of cases which they do mention do not appear in the registers of the Parlement — an indication in itself of the unevenness of the evidence as well as of the number of appeals which were begun and never brought to a conclusion. Even in the unsatisfactory state of the records, however, some points may be made about appeals in the reign of the last Capetian duke.

It can be said with some confidence that there were proportionately more appeals under Philip of Rouvres than there were under Eudes IV. Some fourteen appeals are actually recorded for the ten years of Philip's reign. This compares with the fourteen in thirty-four years under Eudes IV. Clearly this represents a fairly startling increase in the frequency of appeal, particularly as the records are likely to be, on the whole, less complete for Philip's reign than for that of Eudes. If the reign of Eudes is subdivided into the periods before and after 1328, then the increase in the average number of appeals per year made under Philip over the period immediately preceding his reign is even more marked, since only five of the appeals recorded for Eudes IV come from the last twenty years of his reign. The increase in number was not, however, matched by any increase in importance. All but one of these appeals were in civil actions and none was particularly important in itself.

³⁹ J. Richard, 'L'affaire des Bourgeoise et la réformation de 1343 en Bourgogne', *Annales de Bourgogne* 27 (1955) 7-32.

The rule that appeals should be made only to the Parlement continued to be observed. When an appeal was made by the heirs of one Lambert de Visaineyo to the *bailli* of Sens against a sentence given by the *bailli* of Auxois in favour of the infirmarian of the abbey of Moûtier-Saint-Jean and against Lambert, the *bailli* was ordered by the king to forward the case to the Parlement.⁴⁰ No other appeal to a royal *bailli* is known to have been attempted. On the other hand, the rule that appeals should be made only from the highest court of the duchy, although it too was retained, seems to have been interpreted with more laxity. Of the fourteen appeals recorded, three came from the chancellor of the duchy: this was, strictly speaking, incorrect.⁴¹ There was one precedent for accepting an appeal from the chancellor, but it dates from 1328, before the court of the chancery was fully established;⁴² and a sounder explanation of these appeals probably lies in the fact that the chancellor seems to have presided over the court of the duke during the minority, so that appeals from him may in fact have been from the ducal court rather than from the chancery.

But the acceptance of two appeals from ducal *baillis* is less easily explained. In one case in 1352, the *bailli* of Dijon had given sentence against a notorious criminal in his assizes at Nuits, an action in which he had the support of the lieutenant of the governor. The appeal was made on the grounds that the condemned was a *bourgeois* of Dijon and, by the custom of Burgundy, should not have been tried outside the city.⁴³ In this case the involvement of the governor's lieutenant may explain why the case was accepted; but there is no clear reason why the other, from the *bailli* of La Montagne, should have been allowed.⁴⁴ A third case makes it plain, however, that the rule that appeals should be taken only from higher courts was still recognised. The appeal already mentioned by the heirs of Lambert de Visaineyo against the infirmarian of Moûtier-Saint-Jean which was made from the *bailli* of Auxois was sent back to the *auditeurs des causes d'appeaux* by the Parlement because they had been 'left out when the said appeal was made to the said *bailli* of Sens'. Thus the regulations which governed appeals to Paris under Eudes IV continued into the time of his grandson; but it seems that they were not always very scrupulously observed.

Of the other appeals recorded for Philip's time, six came from the *Grands Jours* of 1357.⁴⁵ This is a large number. There were other meetings of the *Grands Jours* but no record of them survives,⁴⁶ though it is probable that appeals were also

40 AN X₁a 16, fol. 343r (1357).

41 AN X₁a 13, fol. 216r; X₁a 16, fol. 179v; X₁a 15, fol. 357r.

42 above n. 25.

43 AN X₂a 6, fol. 330 and X₁a 13, fol. 214v.

44 AN X₂a 6, fol. 342r.

45 Petot, *Registres de Parlements de Beaune*, pp. 19-20, 21, 22-23, 23-26, 31-33, 33-35.

46 Champeaux, *Ordonnances*, introduction.

made from them. Finally, there was one appeal made from the governor of the duchy and two from the 'gens du duché', perhaps the *auditeurs des causes d'appaux*. One of the last mentioned, made in 1352, was returned to the governor of the duchy for trial, why it is not stated.⁴⁷

When Philip of Rouvres died, the duchy of Burgundy passed into the hands of King John as next of kin. He immediately issued an order making the *Grands Jours de Beaune* a sovereign court from which no appeal to the Parlement was possible.⁴⁸ John evidently thought there might be difficulties in trying to govern a rapidly expanding kingdom as one unit, and both Burgundy and his other major acquisition, the Dauphiné, were kept more or less separate from the rest of the royal lands. When, two years later, John decided to give Burgundy to his youngest son, Philip the Bold, the order making Beaune independent of Paris was revoked but its ephemeral existence had made it easier for the new duke to limit future appeals to France.

* * *

The history of appeals in Burgundy conforms fairly closely to general political and legal trends at the beginning of the fourteenth century. From the mid-thirteenth century onwards, the kings of France had been trying to insist that their royal power in the kingdom was different in kind as well as degree from that of their vassals in the great fiefs. Their claims were summed up in the phrase, much quoted by royal lawyers of the time, 'the king is emperor in his realm', which, by the fourteenth century, was being used to imply a right to exercise imperial authority within France.⁴⁹ The definition of this imperial authority remained vague, since no king cared to deny that it was limited by customary usage. Nevertheless, the claim became the justification for a considerable extension of royal interference in the great fiefs at the turn of the century. Apart from the larger number of appeals taken to the royal courts, this can be seen in various attempts to enforce royal legislation, which had previously applied (with a few exceptions) only to the royal demesne, in the great fiefs, and in a certain amount of direct interference in judicial and administrative affairs. This increased royal interference soon provoked opposition, culminating in the feudal reaction of 1314, known as the Movement of the Charters, in which the nobles of Burgundy played a leading part. Thereafter, the kings proceeded more cautiously in legislative matters, but they continued to exercise royal jurisdiction and to try to attract more business to the royal courts from all areas of France. In Burgundy

47 AN X₂a 6, fol. 342r; X₁a 15, fol. 36r; X₁a 15, fol. 127v.

48 *Ords.* 3. 353, art. I.

49 A. Bossuat, 'La formule "le roi est Empereur en son royaume"', *Revue historique de droit français et étranger*, 4th Ser., 29 (1961) 371-81.

their efforts were hampered initially by a serious quarrel between Eudes IV and Philip V which broke out in 1316 shortly after the Movement of the Charters had died down. This temporarily severed relations between the two; but they made peace in 1318 and the increase in appeals from Burgundy thereafter, particularly under Charles IV, is in keeping with the general trend.

In 1328, Philip VI succeeded his cousin Charles IV with a title which was far from secure, and during his reign much of his energy was absorbed first in establishing himself more firmly on the throne, and later in the war which broke out against England in 1337. He therefore interfered less in the great fiefs than his predecessors had done and this again is reflected in the history of appeals from Burgundy. Moreover, by this time, developments inside the great fiefs were beginning to make their effects felt generally. During the fourteenth century Burgundy, Brittany, Aquitaine and Flanders all evolved from fiefs into full principalities capable of being run as independent political units and all with institutions of government equivalent to those of the crown itself. This being the case, the interference of the crown was increasingly resented while the machinery for avoiding it was improved. There was no need to use royal institutions if equivalent ducal or comital ones were available. Thus while tensions between royal and feudal jurisdictions continued, the balance was now weighted in favour of the great vassals. This trend too can be seen to a modified extent in the history of appeals under Eudes IV; although once Philip of Rouvres succeeded and the king became regent, the duchy fell more fully under royal control than any other fief and this development was halted. By and large, however, the incidence of appeals from Burgundy to France during the first half of the fourteenth century provides a useful illustration of the general development of the political and legal institutions of France between 1300 and 1360.

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FRENCH INFLUENCE ON FIFTEENTH-CENTURY ENGLISH PROSE
AS EXEMPLIFIED BY THE TRANSLATION OF
CHRISTINE DE PISAN'S *LIVRE DU CORPS DE POLICIE**

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MANY scholars have discussed the French influence on fifteenth-century English prose. Anton Prins has shown that a large number of French phrases entered the language as a result of translation. Since phraseonomic loans are of a syntactic nature, they affect the language more than lexicographical loans. Phraseonomic loans superseded native phrases, or filled places that had not been filled before, and from these strongholds gave rise to analogical formations.¹ Various patterns of word order mentioned by Henry Cecil Wyld in 'Aspects of Style and Idiom in Fifteenth-Century English', such as adjectives following the noun, are due at least in part to French influence.² David Lightfoot has proposed that the Noun-Adjective word order found in Middle English is not primarily a matter of French influence but is closely related to the development of SVO (subject-verb-object) word order; SVO languages usually have noun + modifier structures³ (modifier + noun structures still are more common in Modern English, which is not a pure SVO language). Samuel K. Workman has stated that the usual method of translating from the French was to keep as close to the original as the syntax of English would permit. The construction of members of sentences, thought connections between members, and syntactic constructions were directly transferred from the original.⁴ Ian Gordon has analyzed some of the characteristics of prose influenced by French originals: sentences that are ac-

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1 Anton A. Prins, *French Influence in English Phrasing* (Leiden, 1952), pp. 6-39.

2 Henry Cecil Wyld, 'Aspects of Style and Idiom in Fifteenth-Century English', *Essays and Studies* 26 (1940) 39.

3 David Lightfoot, 'Extraposition and Deep Structure Reanalysis', *Montreal Working Papers in Linguistics* 3 (1974).

4 Samuel K. Workman, *Fifteenth-Century Translation as an Influence on English Prose* (Princeton, 1940), pp. 10-11.

cumulations of main and subordinate statements, a large amount of subordination, and the use of connectives translated directly from the French.⁵ Gordon states that 'the translators from French are almost universally characterized by their helpless dependence on the phrasing and sentence structure of the originals.'⁶ Norman Davis has pointed out that the French influence was not just a matter of direct translation. Example must have been still more influential. The volume and importance of French vocabulary and phrasing in English prose proves that French was much in the minds of many English writers. He affirms: 'It is not credible that the infant English secular prose of the fifteenth century should have made its halting steps without a helping hand from the already self-assured French which was so well known.'⁷

These discussions provide valuable insights regarding the pervasive influence of French. Yet they give the impression that the influence resulted from a helpless dependence on the French texts and a lack of confidence in the use of English on the part of the translators. In spite of the large amount of commentary in fifteenth-century works on the principles and problems of translation, most writers are not given credit for being conscious stylists.⁸ N. F. Blake has suggested that the writers of fifteenth-century prose were trying to break new ground and to develop a cultivated, courtly English style by imitating foreign models. Poetry had broken out of the old alliterative native mode by using foreign models; it was natural that prose should follow this lead. Closely following the original when translating from French or Latin was a deliberately cultivated style.⁹

Writers translated works written in the prose style that was fashionable at the French and Burgundian courts. It was strongly influenced by the *style curial* or the *style clerical*, the style of the chancery of the Middle Ages, elaborated by the clerks of the Roman curia and imitated in other countries. Although this style had developed in Latin, its traits were transferred to vernacular writing. It was characterized by the use of formulaic expressions, terms of reference (*dessusdit*, *le dit*, *cette dit*), introductory phrases, Latinate words, elaborate explanations, legal phrases, synonyms (particularly doublets), reliance on the passive voice, and a grave, ceremonious tone. There was a taste for variation and lack of symmetry.¹⁰

5 Ian A. Gordon, *The Movement of English Prose* (Bloomington, Ind., 1966), pp. 52-56.

6 *ibid.*, p. 65.

7 Norman Davis, 'Styles in English Prose of the Late Middle and Early Modern Period', *Langue et littérature: actes du VIII^e congrès de la Fédération internationale des langues et littératures modernes* (Paris, 1961), p. 177.

8 Flora R. Amos, *Early Theories of Translation* (New York, 1920), p. 46.

9 N. F. Blake, 'Caxton and Courtly Style', *Essays and Studies* 21 (1968) 35-44.

10 Jens Rasmussen, *La prose narrative française du XV^e siècle: étude esthétique et stylistique* (Copenhagen, 1958), pp. 22-44.

Writers preferred the long sentence drawn out by the use of subordinate clauses, especially relatives. Clauses progress in chains, one being embedded in another; it is often hard to tell where a sentence begins and ends. Since the *style clerical* differs so drastically from modern stylistic ideals, most critics have viewed it disdainfully. Nevertheless, it was very fashionable during the fourteenth and fifteenth centuries, and writers and translators tried to adapt this style to English.

Chaucer was one of the first writers to employ the *style clerical* in literary prose in English; it is found in his translation of 'The Tale of Melibee'. This work has been called an excessively close, even a slavish translation by critics. J. Burke Severs has dismissed Chaucer's alterations as unimportant: 'For the most part, they are caused by a certain redundancy in the translation, a Chaucerian trick (though not confined to Chaucer in this period) of translating a word by a pair of synonyms, and of further explaining an already translated passage with a superfluous "this is to seyn".'¹¹ In view of the stylistic ideal that Chaucer was cultivating, however, these kinds of additions *are* important. Chaucer's additions further elaborate the *style clerical* in which the original is written: subordinate clauses and phrases that are tacked on to sentences to create trailing, asymmetric structures; introductory phrases that are often literal translations from the French; and doublets. Since my primary purpose in this article is not to analyze Chaucer's style, I will provide only a sample of the additions made in 'The Tale of Melibee'.

Chaucer frequently adds clauses and phrases, such as the following, to create the trailing sentence structure that characterized the *style clerical*:

French

une fille
bons advocaz
des autres
de son creatour
pluseurs conseilz

en moult de cas
comment tu l'entens

a quel fin ilz vendront de ceste besoingne

Chaucer

a doghter which that called was Sophie
wise advocatz lerned in the lawe
of othere that were wise
of God, that is his makere
mo conseilours and moore deliberacion to
parfourne youre emprise
in certein caas and for certeine juste causes
hou ye understonde thilke text, and what is
youre sentence

as to what ende they shul come, or what
shal finally betyde of hem in this caas

11 J. Burke Severs, 'The Tale of Melibeus' in *Sources and Analogues of Chaucer's Canterbury Tales*, ed. W. F. Bryan and G. Dempster (New York, 1941), p. 565.

The quotations from the French have been taken from Severs' critical edition of 'Le livre de Mellibee et Prudence' in *Sources and Analogues*, pp. 568-614. The quotations from the English have been taken from F. N. Robinson's edition of 'The Tale of Melibee' in *The Works of Geoffrey Chaucer* (Boston, 1957), pp. 167-88. This has been compared with the variants listed in John M. Manly and E. Rickert, *The Text of the Canterbury Tales*, 8 vols. (Chicago, 1940), 7.206-461.

Since these expansions add little to the meaning of the work, their primary purpose appears to be stylistic.

The *style clerical* was characterized by a profusion of introductory phrases. Chaucer often uses such phrases, many of them literal translations from the French, where they do not appear in the original. Among them are:

for sothe
as it happeth ofte
for this same cause
this is to seyn
in this wise
in this matiere
certes
as ye han herd bifore
sikerly

Such phrases have caused modern critics to consider the *style clerical* a padded style, but the expressions were considered a rhetorical ornament during the Middle Ages.

The major rhetorical ornament of the *style clerical* was the use of doublets, a form of synonymy or *interpretatio*, which occurred with nouns, verbs, and adjectives.¹² Many doublets appear in the French version of 'Melibee'. Chaucer shows his independence of his source in not always retaining the doublets from the French, as in the following cases:

<i>French</i>	<i>Chaucer</i>
affins et parens	lynage
bonnes garnisons et fors	sufficeant garnisoun
secret et celé	secree
genglerresses ou	jangleresses
parlerresses	(var. janglers)
rioteuse et courrouceuse	riotous

However, it is much more common for him to create doublets where they do not exist in the original:

<i>French</i>	<i>Chaucer</i>
crioit	crie and wepen
eschappera	warisshe and escape

¹² An extensive discussion of figures of diction can be found in book 4 of the *Rhetorica ad Herennium*, ed. F. Marx, 2nd ed. corr. (Leipzig, 1964), 4.4.18-34.46. Synonymy or *interpretatio* is discussed at 4.28.38. *Similiter desinens* or like endings, an ornament preserved by the Latinate vocabulary of the *style clerical*, is discussed at 4.20.28.

du conseil	by licence and assent
toute saine	hool and sound
agreuer	empeireden and agreggeden
de la voulenté	by leve and by conseil
espace	leyser and espace
fresche	fresshe and newe
raisons	causes and resouns
ordonné	ordeyned and affermed
esprouvé	assayed and preved
courrouchiez	irous and wrooth
juger	deme ne thynke
voulenté	wille and entente
sage	discrete and wise

This is only a very small sample of the doublets that Chaucer has added. Some of them may have been present in the French manuscript that was his source. However, since the number of doublets that do not appear in any of the surviving French manuscripts is so large, it is apparent that Chaucer deliberately added these terms as a form of rhetorical ornamentation or *amplificatio*.

Chaucer set the fashion for many writers who flourished during the fifteenth century, when the *style clerical* became even more popular. It appears in many of the translations by William Caxton. Since the primary focus in this article is on the work of Christine de Pisan, I should like now to examine Caxton's translation of Christine's *Livre des fais d'armes et de chevalerie*, translated as the *Book of Fayttes of Armes and of Chyvalrye* in 1489. Here is the beginning of Christine's Prologue:

Pource que hardement est tant necessaire a haultes choses entreprendre que sans lui jamais emprises ne seroient, ycellui mest convenable a ceste present oeuvre mettre sus autrement, veu le petitece de ma personne, *que* je congnois non digne de traittier de si esleeve matiere, ne losasse ne seulement pensez, mais quoy que hardiesce face a blasmer quant elle est folle. Moy, non mie mene par arrogance ou folle presompcion, mais amonnestee de bonne affection et bon desir du bien des nobles hommes en loffice des armes, suis ennortee apres mes autres escriptures passees, si comme cellui qui a ja bastu plusieurs fors edifices est plus hardi de se chargier dediffier ung chastel ou forteresse quant garni se sent de convenables estofes a ce necessaires, dentreprendre a parler en ce present livre du tres honnore office des armes et de chevalerie, *tantes* choses qui y conviennent comme es drois qui leur sone partinans, si que le declarent les lois et divers auteurs ainsi qua propos jay assemble les matieres et cuillies en plusieurs livres pour produire a mon entencion en present volume.¹³

13 Christine de Pisan, *Le livre des fais d'armes et de chevalerie* (Brussels, Bibliothèque Royale MS. 10476, fol. 3).

Caxton closely follows the syntactic structure and vocabulary of his source:

By cause that hardynes is so moche necessarye to entrepryse hye thynges, whiche without that shold neuer be enpryses, that same is couenable to me at this present werke to put it forth without other thyng, seen the lytelhed of my persone, which I knowe not digne ne worthy to treate of so hye matere, ne durst not only thynke what blame hardynes causeth whan she is folyssh. I thenne nothyng moeued by arrogaunce in folyssh presumpcion, but admonested of veray affeccion & good desyre of noble men in thoffyce of armes, am exorted after mine other escriptures passed, lyke as he that hath to forn beten doun many stronge edyfices, is more hardy to charge hym self defye or to bete doun a castell or forteresse whan he feleth hym self garnyssed of couenable stuffe therto necessarye, Thenne to entrepryse to speke in this present book of the right honorable offyce of armes & of Chyvalrye, as well as thynges whiche therto ben couenyent, as in droytes whyche therto ben appertenaunt, lyke as the lawes & dyuerse auctours declaren it, to the purpoos, I have assembled the maters & gadred in dyverse bokes for to produce myne entencion in this present volume.¹⁴

Caxton follows the sentence patterns of his original, with their dissymmetric constructions and chains of relative clauses. Besides using the doublets in his source, he adds two new ones ('digne ne worthy', 'defye or to bete doun'); this could have been done for ornamentation, for clarity, or for both of these purposes. His vocabulary also remains close to his original. The earliest citations in the *Oxford English Dictionary* and in the *Middle English Dictionary* for 'escriptures' are from the *Fayttes of Armes*; 'empryses' does not even appear in either dictionary. By staying close to the Latinate vocabulary of his source, Caxton was able to retain its rhetorical ornaments. The use of 'presumpcion' and 'affeccion' preserves the ornament of *similiter desinens* or like endings; similar endings again appear with 'convenyent' and 'appertenaunt'. We thus find Caxton following Christine in her use of the *style clergial* and elaborating upon it.

The English translation of Christine de Pisan's *Livre du corps de policie*, also written in the *style clergial*, shows how writers deliberately cultivated this style. The *Body of Polycye* shows a strong French influence in sentence structure, phrasing, and vocabulary. When it is read separately, one would think that it was a very close translation. I quote from the first chapter of both to provide an example of the style:

Here begynneth the Boke whiche is called the body of polycye. And it speketh of vertues and of good maners. And the said boke is deuoyded in thre parties. The firste parte is adressed to pryncys, the second to knyghtes and nobles, and the thyrde to

14 William Caxton, trans., *The Book of Fayttes of Armes and of Chyvalrye*, ed. A. T. P. Byles (EETS O.S. 189; London, 1937), pp. 5-6.

the vniuersall people. The firste chapetur spekethe of the discripcion of the body of polycie.

Iff it be possible that of vyce myght growe vertue, it wolde please me well in this partie to be passioned as a woman, like as many men holden opynon that nature of woman can not kepe vndir sylence the habondaunce of hir corage. Nowe com hardely, and I will tell and shewe oute by many clere ryuers and cristallyn sprynges and by the vnchangeable founteynes of my courage, whiche can not hyde to caste oute the desieris of vertu. O vertue, a thyng noble and deified, houghe dar I be so bolde and avaunt myselfe to speke of the, whiche I knowe right weell that my vndirstondyng can not quykly comprehende ne vndirstonde clerly ne declare. But on thyng recomforteth me and geueth me hardynesse, that I vndirstonde the so benigne that thou wilt not be displeased though I speke of the, not only in thy moste subtyll thyngis but also suche thyngis as may be comprehendid in my conceytis.¹⁵

Cy commence le livre du corps de policie, lequel parle de vertu et des meurs, et est party en troys parties. La premiere partie s'adrece aux princes, la seconde aux chevaliers et nobles, et la .iiii. a l'universite de tout le peuple. Le premier chapitre parle de la description du corps de policie. Le livre du corps de policie lequel parle de vertu et meurs.

Se il est possible que de vice puist naistre vertu, bien me plaist en ceste partie estre passionnee comme femme. Ainsi que plusieurs hommes au sexe feminin imposent non sçavoir taire ne tenir soubz silence l'abondance des leurs corages, or viengne donc hors hardiement et se demonstre par plusieurs ruisseaux la source et fontaine intarissable de mon corage qui ne peut estanchier de getter hors les desirs de vertu. O vertu chose digne et deifice, comment m'ose je vanter de parler de toy quant je cognoys que mon entendement ne te sçauroit pas bien au vif comprendre ne exprimer. Mais ce me reconforte et donne hardiesse que je te sens si benigne qu'il ne te desplaira mie se je parle de toy non pas es plus subtiles choses, mais seulement es parties que je te puis concevoir et comprendre.¹⁵

Yet a word-for-word comparison with the French text reveals that the English translation of the *Body of Polycye* is quite free, at least at the phrase or sentence level. In this selection, the translator changed 'l'universite de tout le peuple' to 'the vniuersall people', 'au sexe feminin' to 'nature of woman', and 'par plusieurs ruisseaux la source et fontaine intarissable de mon corage' [by several streams the inexhaustible source and fountain of my spirit] to 'by many clere ryuers and cristallyn sprynges and by the vnchangeable founteynes of my courage'. The phrase 'not only in thy moste subtyll thynges but also suche thynges as may be comprehendid in my conceytis' is probably a misinterpretation of 'non pas es

15 Cambridge, University Library MS. Kk. I. 5, fol. 1r-v. I wish to thank the authorities of the University Library for giving me permission to quote this manuscript. I am preparing an edition of the English translation of the *Body of Polycye*, which survives in this unique manuscript, for Middle English Texts (Heidelberg: Carl Winter). The quotations from the French have been taken from the edition by Robert H. Lucas, *Le livre du corps de policie* (Geneva, 1967), pp. 1-2.

plus subtiles choses, mais seulement es parties que je puis concevoir et comprendre' [not in the most subtle things, but only in the things that I can conceive and understand]. The doublet 'taire ne tenir soubz silence' is translated as the single expression 'kepe vndir silence'. On the other hand, the single term 'se demonstre' is rendered as 'tell and shewe oute', and 'vanter de parler' as 'be so bolde and avaunt my selfe to speke of the'.

The translator did not slavishly follow his source. He wrote in idiomatic English but employed sentence patterns, phrases, and stylistic devices modeled on the French as part of his own style. These include all the features of the *style clerical*: long asymmetric sentences characterized by a great deal of subordination, introductory phrases that are literal translations from the French, and doublets or triplets. These features characterize the style of the original, but they often appear in additions by the translator.

An important feature of the *style clerical* was the use of doublets. Translation encouraged this practice since words were often borrowed to create an aureate vocabulary and coupled with simple native words.¹⁶ The translator of the *Body of Polycye* uses doublets in this manner in pairs such as 'bolde and avaunt', 'induce and stere', 'mordrers and occisions'. Sometimes he will join two Latinate words, such as 'stablisshed and ordeyned', 'excused nor exempte', 'taillys or impositions'. However, he is not particularly attached to Latinate diction. What he is attached to is the principle of doubling. In book 1 alone, about seventy single terms in his source are turned into doublets.¹⁷ Sometimes he will reverse the process, turning doublets from the original into single terms, as with 'dire et ammonester' — 'say', 'faitz et gouvernement' — 'the gouernaunce', 'grace et voulente' — 'grace'. This shows his independence of his source. Occasionally, he turns doublets into triplets, as with 'comprendre ne exprimer' into 'comprehende ne vndirstonde clerly ne declare', or triplets into doublets, as 'foulent et gastent et pillent' into 'defoule and pille'; but his usual practice is to retain or create doublets.

In discussions of fifteenth-century prose style, the use of doublets has been dealt with only in relation to individual words. In fact, the practice is much more general. Doubling can occur with individual words, phrases, or clauses. For example, the phrase 'pour cause de briefte' is expanded into 'for lak of leysyr and shortenesse of tyme'; 'de les deffaire' into 'to putt them downe and vnmake them'; 'le prisent moins' into 'sette the lasse by him and haue him in the lasse reuerence'. An individual word can be expanded into a word and a phrase, as with 'usage' — 'vsage and custome of the contree'.

16 John C. Mendenhall, *Aureate Terms: A Study in the Literary Diction of the Fifteenth Century* (Lancaster, Pa., 1919), pp. 57-58.

17 See the tables following this article, which provide evidence from book 1 of the translation.

The principle of doubling also accounts for many complications of structure that are found in the work. The translator tends to follow the structure of the original, maintaining a good part of its subordination but rendering it in idiomatic English. Even when he uses co-ordination in place of subordination, he tends to follow the general outline of the sentences in the original. Occasionally, he simplifies his source and drops a subordinate clause, as in 'l'orde de vivre qui affiert' — 'ordre of lyuyng'. More frequently, he adds clauses and phrases. The same principle is followed as with the doublet; one term or syntactic category is expanded into two. The additions usually involve prepositional phrases, as 'le reconforta' — 'comforted him with all his pouer', or relative clauses, as 'ung sien amy' — 'a trusty frende whiche he loued intierly', and 'fais' — 'actes whiche they did in their days'. The translator particularly favors relative clauses in his additions, which enable him to create the asymmetric, trailing sentence structure that characterized the *style clergial*.

The translator also follows the *style clergial* in using a large number of introductory phrases. Not only does he translate those that occur in the original, but he also adds his own, using expressions that are literal translations from the French, such as 'to that entent' (a ce propos), 'for' (car), 'that is to say' (c'est a dire), 'than' (doncques), 'that is to knowe' (c'est assavoir), 'in lyke wyse' (semblablement), 'notwithstanding' (combien que). These phrases appear much earlier in English, but the translator's frequent use of them is another example of the French influence on his prose.

The translator thus adopted these introductory phrases, trailing sentence structures, subordinate clauses, and doublets as part of his own stylistic repertoire. This fact would not be particularly significant if the influence of these stylistic devices had ended in the fifteenth century. C. Rabin has pointed out that translation can create a stock of loan words, new words, and syntactic structures that have a perfect translation fit with the original language. They exist as a 'translation stock' or sub-system within the main system of the language that has adopted them and often wither away when translation contact diminishes.¹⁸ This did not happen, however, with many of the words, phrases, and structures that were introduced into English prose during the fifteenth century. English prose was refashioned on French and Latin models. Anglo-Saxon, French, and Latin were interwoven in vocabulary, syntax, and style to produce a blend that was essentially new.¹⁹ The use of rhetorical duplication and doublets was common in the prose of the sixteenth century; F. O. Matthiessen has called attention to its

18 C. Rabin, 'The Linguistic Aspects of Translation' in *Aspects of Translation*, ed. A. H. Smith (University College Studies in Communication 2; London, 1958), pp. 143-44.

19 Prins, *French Influence in English Phrasing*, p. 19.

appearance in the translations by North, Florio, and Holland.²⁰ The practice of using introductory phrases, doublets, and subordination is still often followed in formal expository prose, particularly in legal and administrative writing. It is fitting that the *style clerical* should have had the most long-lasting influence in this area since that is where it originated.

20 F. O. Matthiessen, *Translation, an Elizabethan Art* (Cambridge, Mass., 1931), p. 4.

APPENDIX I

THE BODY OF POLYCYE

A Comparison of the French and English Texts

*Doublets for single terms**French*

se demonstre
 vanter de parler
 les bonnes meurs
 bien morigines
 le laira
 les anciens
 honneurs
 pensees
 tresvaillans
 pour cause de briefte
 fiance
 soingneux
 establis
 les vieille visiter
 oyr
 envieux mesdisant
 a mal faire
 maulx
 respondit
 exemps
 tailles
 juner
 durte
 introduisist
 grant bien
 prinses
 gaing
 regarder
 amena
 vaincus
 occisions
 humaine
 de les deffaie
 le prisent moins

English

tell and shewe oute
 be so bolde and avaunt my selfe to speke
 the good condicions and manners
 well noryshed and well manered
 leve him and goo fro him
 the ancient knyghtis and wyse men
 reverence and worchippis
 thoughtis and remembrans
 passyng worthy and worchipfull
 for lak of leysyr and shortenesse of tyme
 a truste and a hope
 besy and diligent
 stablissed and ordeyned
 have mercy on them and visite them
 to her and vndirstond
 fals lyar and an envyous man
 to do or say euill
 angre and trouble
 answerd and said
 excused nor exempte
 taillys or impositcions
 faste and far euyll
 hardenesse and sorowe
 induce and stere men
 grete honours and worchippis
 receyued and taken
 proffyte and wynnynge
 vndirstonde and knowe
 taken and ledde
 overcome and discomfited
 morderers and occisions
 humayne and petuous cher
 to putt them downe and vnmake them
 sette the lasse by him and haue him in the
 lasse reuerence

doulce
humaine
courage
injures
acquerre
moult espoantee
deffendue
leur usage
maniere
la chose publique

la loy
qu'il la conseille

grans avis
proheme
arrogance
corrumpus
ordonnes
les dignes
partir
voulente
appercevoir
seigneurie
fors hommes
aornee
profitable
delices
delices
les bons
mieulx
vaincue
pareceux
recorder
la gloire

Triplets for doublets

French

comprendre ne exprimer

ses fais et bonnes meurs
habiles et endurcis
leur sang et vie

fayir and swete
worchipfull and petuous
vertue and courage
iniuries and wrongis
conquer and gete
so adradde and aferde
defendid and saued
vsage and custome of the contree
meane and maniere
his subjectis or the comon wele of his
realme
the lawis and comaundementis
that he comoneth of or he geue counceille
therin
grete aduyse and deliberacion
purpose and processe
enuye and pryde
corupte nor defouled
chosen and ordeyned
the good and wurchipfull men
stir nor parte
libertee and myght
perceyue and vndirstonde
dominacion nor lordeshepp
strong and myghty men
honoured and worchipped
necessary and proffytabill
pleasir and delytes
delycasye and ydelnesse
the good and worchipfull men
beste and moste worthely
overcome ne conquered
ydle and slouthful
recorde and talke
laude and glorie

English

comprehende ne vndirstonde clerly ne
declare

his actes and dedes and of his maners
hardy and abill and full of courage
their blode, their body, and their lyfe

*Doublets for triplets**French*

foulent et gastent et pillent
clemence, douceur et benignite

English

defoule and pille
mekenesse and benignite

*Single terms for doublets**French*

taire ne tenir soubz silence
n'ait a mal ne desdaing
mettre arriere et degetter
ou bien et en l'amour publique
vaquera et continuera
droit de bataille et de chevalerie
dire et ammonester
faitz et gouvernement
doit tenir et croire
grace et voulente
le bien et l'acroissement
sa puissance et estude
riens n'est occult ne cele
ne maugree ne renie
soing et voulente
en temps et en saison
il congnoist et scet bien
se desvou et isse hors du tropeau
congnoit et scet
gastent et robbent
malfacteurs ou larrons
sa vie et son estat
desprisoit et refusoit
mise jus et au bas
humanite et clemence
convenable et de necessite
la force et l'estat
chevetaine et homme d'armes
rendre et donner
seigneur et prince
faitte et menee
grant arrogance ou grant desdaing
le get et hurt
la cite et le pays
excellens princes et chevaliers
desconfiture et occision
historiographes
eur et felicite

English

kepe vndir silence
take no disdeyne
putt away
to the comon wele
continue
maner of bataill
say
the governaunce
ought to beleue
grace
the incresse
his study
nothyng is hidde fro
nor forsake
will
in season
he knowyth well
goo oute of the flocke
knoweth
robbe
evil doers
his lyfe
refused
put vnder
mekenesse
convenable
the state
worthy man of armes
to be yolden
prynce
don
grete disdeyne
the caste
the contree
worthy knyghtes
occision
croniclars and wryters
felicite

premierement et principalement
 tant saige et tant preudomme
 ydoines et propices

Complications of structure

French

le livre du corps de policie

selon la sentence du Plutarque

feust

les vaillans princes renommes, ses prede-
 cesseurs et aultres

et lesqueles non

seigneurie

doie souffrir

decheirent

d'estre aservies

liberalite

l'enmena

le reconforta

ung sien amy

grans labours vertueux

ne lui appartiengne

que en ce faisant ilz acquerront le regemen
 et le gouvernement du monde

fais

maint pais

l'infortune de la fragilite des choses
 humaines

les anciens les plus saiges hommes experts

toutes aultres meurs sont naturalment plus
 pesantes es anciens

mais Aristanus le sage chevalier astrologien
 les en mist en paix

firste

so wyse

redy

English

the boke whiche is called the body of
 polycye

after the sentence of the honorable man
 that is named Plutarque

happed for to falle

the worthy prynces and well renowned haue
 done bifor tyme as his predecessours
 and other noble princes

and all suche thyngs as hym ought nat to
 do

lordeshipp that he occupieth

to suffre his people to be robbed and
 pyllled

felle in myschiefe and destruccion

to be made as seruauantes, that is to saying
 bonde

liberalite of their gyfte

ledde him with him arme in arme

comforted him with all his pouer

a trusty frende whiche he loued intierly
 grete laboures and paynes that he hathe
 suffred

lythe not only on him nor longith not to
 him

that the wynnyngis of their worchippis cam
 of their goddes, by the whiche they gate
 the rewle and governaunce of all the
 worlde

actes whiche they did in their days

many londes that he had gotten

the grete freelte of fortune, which is neuer
 stable

the olde wyse men, whiche be gode men
 and well experte in counceille

all othir naturall thyngis weyen mor in the
 olde men than in the yong

but the wyse knyght called Aristanus,
 which was a grete astronomyar, satisfied
 them by his wysedom and sette them in
 reste

jeux gainables	pleyes and disportes whiche was con- venable to pleye for money
avoient exercite les armes qui avant estoint tous endormis	putt theim selfe to labour gretly in armes and to the exercise therof whiche bifer tyme wer ydill and full of slouthe
vaincre	conquer and overcome their enmyes to their gret laude and worchipp
a lui tres repugnant et desseant	that syttis him full nyghe and not ac- cording to his estate
et pour attraire les autres a semblables ver- tus	for by cause that by mean of his vertus othre men may be called to semelable goodnes

*Simplifications of structure**French*

l'orde de vivre qui affiert
ne s'esmeut a ire ne dist mot de injure
lui monstre le grant bien qui vient d'estre
bon et qui ensuit ceulx qui sont bons et
qui bien se gouvernent
tant par exemple lui dire
que a prendre celle parole nuement, com-
me elle est dicte, sembleroit que asservir
voulsisse
l'omme ait en lui dignite a qui on le fait
ce desir d'estre honnoure

English

ordre of lyuyng
said neuer angry worde
and to shewe him all the gret goodnesse
that foloweth a good man
by good example
semyng that by my wrytyng
man is made to haue dignite
this desier

Introductory phrases added by the translator

little and little
for men sholde vndirstonde
to that entent
than
after that
here aftir it sheweth
an othir is this
for
and after this in lyke wise
and for to knowe
and at the laste
longing to the same
yet
secondly
seith he
and firste

notwithstanding
 bifer tyme
 ye shall vndirstonde
 as ye may vndirstonde heraftir
 ouer eue
 of verray fors
 and aftir
 according to our matier
 so it fortunèd aftirwarde
 and furthe withall
 and seith
 and said
 and whan they saye [saw]
 byfor tyme
 nowe a dayes
 suche meanes
 to that entent
 that they shulde vndirstonde
 by the meanes
 and firste
 that is to sey
 wherfor
 to that entent
 than it is asked a question
 in that matier
 so to our purpos
 for the noneys
 for suche causes
 thoughe so be
 saying in this wyse

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WALTER BURLEY'S DOCTRINE OF THE SOUL : ANOTHER VIEW*

M. Jean Kitchel

IN an article published in 1955, written to honor Bruno Nardi, the late Dr. Anneliese Maier alleged that the fourteenth-century English scholar-diplomat Walter Burley was in fact 'ein unbeachteter "Averroist" ...' — an unnoticed Averroist.¹ Dr. Maier based her judgment entirely on textual evidence drawn from her reading of a single manuscript copy of Burley's *Expositio super libros de anima* (Vat. lat. 2151, fols. 1-88), portions of which were included in her article.² Her position, which pays particular attention to the Averroistic determination of a question on the unicity of human intellect, was reiterated in 1968, by the Polish scholar Zdzisław Kuksewicz,³ but no really new evidence on the matter was brought to light until 1971, when my edition of Burley's treatise *De potentiis animae* appeared in print.⁴ Shortly thereafter Professor Edward A. Synan of the Pontifical Institute of Mediaeval Studies made available to me his as yet unpublished edition of Burley's six *Questiones circa tertium de anima*, apparently our author's earliest surviving work on the soul.⁵ It was this set of questions on the intellect, in which the question concerning unicity of intellect is given an emphatically *anti*-Averroistic determination, that convinced me of the need, after over two decades, to reopen the issue of Walter Burley's doctrinal persuasion. The following analysis of the *De potentiis animae* is offered as a

* This material originally appeared in a slightly different version in *Walter Burley's Doctrine of the Human Intellect: A Study with an Edition of Selected Texts* (Diss. Toronto, 1974).

1 Anneliese Maier, 'Ein unbeachteter "Averroist" des xiv. Jahrhunderts: Walter Burley' in *Medioevo e Rinascimento: Studi in onore di Bruno Nardi* 2 (Florence, 1955), pp. 477-99.

2 I have in progress a critical edition of this text which will incorporate the five complete and four partial manuscript copies which now survive.

3 Zdzisław Kuksewicz, *De Siger de Brabant à Jacques de Plaisance: la théorie de l'intellect chez les Averroistes latins des XII^e et XIV^e siècles* (Cracow, 1968).

4 M. Jean Kitchel, 'The *De potentiis animae* of Walter Burley', *Mediaeval Studies* 33 (1971) 85-113.

5 I wish to thank Professor Synan for making this material available to me and for allowing me to refer to it in this article.

prolegomenon to more detailed study of his positions on the various questions typical of later mediaeval philosophical psychology.

* * *

It is easy to underestimate the value of Walter Burley's brief essay *De potentiis animae*. At first glance it appears to be nothing more than an abbreviated exposition of items derived from Aristotle's *De anima*, with little to recommend it. Taking his opening *lemma* from book 2 (2.3, 414a28-30), Burley arranges his discussion according to the order set forth by the Philosopher himself (*De an.* 2.4, 415a16-21), examining in turn the powers of the soul, their actions, and their objects. Passages of the *De anima* are augmented with texts from other writings of Aristotle, and by opinions taken from the writings of Avicenna, Averroes, Albertus Magnus, Themistius, and Algazel.⁶ Careful scrutiny of the text, however, reveals it to be a useful index of Burley's earliest theories about the issues vital to philosophical psychology in the late thirteenth and early fourteenth centuries.

A closer examination reveals that the *De potentiis animae*, true to its title, focuses almost exclusively on the powers of the soul, especially the *potentia sensitiva* and the *potentia intellectiva*. Two significant omissions on Burley's part lend themselves to the notion that the text gives short shrift to the main questions then current in philosophical psychology: there is no proper discussion of the nature and definition of the soul in spite of its fundamental importance in any systematic view of psychology, nor is there a formal consideration of the unity of man. These issues, along with those surrounding the nature of the intellect, were the most pressing to a fourteenth-century student of psychology, and yet even Walter Burley's treatment of the intellect seems in this text to be of secondary importance to that of sensation. The four pages in the printed edition which encompass the intellective power are almost overwhelmed by nearly twenty devoted to the sensitive power. Nonetheless, these very relationships are suggestive of the influences which may have worked on Burley's development of this maiden effort to study the entire subject of the soul, for the apparent preoccupation with the *potentia sensitiva*, and its development in terms of light, the visual power, and the general physiology of sensation, all bespeak a tradition grounded in the Islamic philosophy not of Averroes, but rather of Avicenna. To

6 Notably, Burley relies on *De sensu*, *De generatione et corruptione*, and *De meteoris* in his discussion of the exterior senses, and on *De memoria et reminiscencia* for those of the interior senses and of the intellect. Avicenna is cited from his treatise *De anima seu liber sextus naturalium* from *al-Shifā*, and an equal number of references are made to Averroes' various commentaries on the pertinent texts of Aristotle. Albertus Magnus' *De sensu et sensato* is Burley's only scholastic source in this text, and there are isolated references to Algazel's *Metaphysics* and to Themistius' *In de anima* as well.

evaluate this possibility, however, it is necessary to examine the text more carefully.

In what might be called the preliminary remarks of the *De potentiis animae*, Burley makes three statements almost in passing which in fact provide very useful insights into his views precisely on the issues which seem to be overlooked in the text. The first of these statements occurs almost immediately. At the outset of his organization of his subject matter, Burley states that the five enumerated powers of the soul '... are natural powers and are in the second species of quality' (*DPA* 3, 88).⁷ The implications of this seemingly casual remark are several. Simply by describing the powers of the soul as belonging to the category of quality, Burley asserts the view that they are not themselves substances, but are accidents of that which is a substance, namely the soul. From this point it is possible to infer that Burley does not adhere to the notion that in man, for instance, there are three souls, vegetative, sensitive, and intellective, but rather that he would argue for one soul with the quality of three powers. And further, it may be inferred that this one soul is substantial. These are important indications of our author's opinions about the nature of the soul and the unity of man, for all their rather oblique introduction.

By specifying that the powers of the soul belong to the second species of quality, Walter Burley reveals still more about the doctrines to which he most probably subscribes at this writing. According to Aristotle (*Cat.* 8, 9a13-28), there are four main species of quality: the acquired and changeable *habitus* or *dispositio*; inborn capacities and incapacities; affective qualities; and qualities to do with figure, magnitude, and such. The powers of the soul are, Burley states, natural — they are inborn. They cannot be acquired (the plant can have no *habitus* or *dispositio* for the *potentia intellectiva*), they cannot be lost (man cannot lose the *potentia vegetativa*); and they have none of the material aspects of the third and fourth sorts of quality. This latter is not surprising: the Latin philosophers of this era uniformly agreed that, given the existence of the soul, it must be immaterial. Burley's decision against the first species of quality is of interest, however, for it precludes the possibility that he might explain the intellective powers in such terms as *habitus*, *adeptus*, *assimilatus*, and the like, precisely after the fashion of an Avicenna, an Albert, or an Averroes. It remains to be seen how this factor is realized in his own discussion of the intellect.⁸

⁷ All references to the *De potentiis animae* (*DPA*) are from my edition as previously cited. In the parenthetical citations the first number refers to the paragraph in the text, and the second, to the page of the text.

⁸ An interesting example occurs in the second of the *Questiones circa tertium de anima* in Burley's discussion of the need for an intellective power inherent in the soul such that it is 'something natural in man'.

The insight into Burley's position on the nature of the soul which this remark gives us is bolstered by another 'passing' remark from this preliminary section of the *De potentiis animae*. In summarizing his breakdown of the subject matter of the text, Burley states (*DPA* 10, 89) that although there are four grades of living (plant life, animal life without local motion, animal life with local motion, and intelligent life), there are only three kinds of soul (vegetative, sensitive, and intellectual) '... because soul, insofar as it is the substantial form, gives the mode of being' (*DPA* 12, 89), and in living things a threefold mode of being is found. This statement makes explicit the conclusion inferred from the earlier passage, namely that Walter Burley understands the nature of the soul to be that of a substance, and specifically that of the substantial form of the being which it ensouls.

Equally suggestive is a third statement from this portion of the *De potentiis animae*: '... powers are distinguished through acts, and acts through objects; and this should be understood with regard to ourselves (*quoad nos*) and not simply (*simpliciter*), for we know powers through acts, and acts through objects' (*DPA* 4, 88). The distinction between *quoad nos* and *simpliciter* is a common one, conveying Aristotle's contention that the order of human knowing is in fact the reverse of the order of being — that we know *a posteriori*, discovering causes through their effects whereas ontologically the priorities are in exactly the opposite order.⁹ Although we know a power through its act and the act through its object, it must not be assumed that therefore the power is determined by its act or the act by its object. In point of fact, according to Aristotle's principle, the nature of the power determines its suitability for a particular action, and the nature of the action suits it to a particular object. Burley's affirmation of this principle bears on the proper interpretation of his subsequent positions in this text with respect to both the *potentia sensitiva* and the *potentia intellectiva*. When it comes time to discuss the interior senses and the various special powers of the intellect it will be necessary to ask whether Burley speaks *quoad nos* or *simpliciter*.

Walter Burley's opinions on the intellectual powers are, of course, the ones most pertinent to a reconsideration of Anneliese Maier's allegations that he was an Averroist. Nonetheless it is fruitful to examine the discussion especially of the *potentia sensitiva* which occupies so much of the *De potentiis animae*, for certain points are made therein which are pertinent to his subsequent consideration of the intellect.

Burley's initial remarks on the *potentia sensitiva* introduce a 'definition' which is pertinent to the preceding remarks about powers and their actions and objects, namely one for the first or primary object of the act of a power:

9 See Aristotle, *Anal. post.* 2.19 (99b15-100b16) and *Metaph.* 1.2 (982a5-983a24, especially 982a20-982b10).

... the primary object of the act of a power is the object adequate to it in such a way that nothing is contained under this object which could not be perceived by that power, and everything which is perceived by such a power is contained under that adequate object. For thus the visible is the primary object of sight because everything visible can be perceived by sight, and nothing can be perceived by sight except the visible (*DPA* 29, 91).¹⁰

Though Burley is speaking in terms of the qualities of the objects of a sense, there is no reason to assume that the application of the definition cannot be extended to the analogous relationships within the *potentia intellectiva*. Burley has already argued that acts and powers are known ultimately through their objects *quoad nos*, and he does not limit the application of this principle. Given it, a means of recognizing the link between *objectum*, *actus*, and *potentia* is a necessity, and the definition given here provides that means.

Burley's remarks about active and passive powers are also of particular interest, for the disjunction between potency and act is a fundamental premiss of all Aristotelian philosophy and it has a special role to play with respect to human intellect. In the *De potentiis animae*, the *potentia activa* and *potentia passiva* are explained in terms of the *potentia vegetativa* and the *potentia sensitiva*. In describing the vegetative power as an active one, Burley advances this opinion about the nature of any active power:

... an active power has a twofold object. In one way the object of an active power is that upon which it acts according to the mode of generation; and thus the material of a house is the object of the builder's art which is in the mind of the builder. The other is the object which is intended as the end by such a power or by one possessing such a power; and thus the house is the object of the builder's art (*DPA* 20, 90).¹¹

Aristotle compares the special active power of the intellect — what Burley calls the *intellectus agens* — to art in a way not incompatible with the analogy used here,¹² and, as is well recorded, the construction to be placed on this image is a source of considerable disagreement thanks to the Philosopher's elliptic style.

¹⁰ '... primum objectum actus potentiae est objectum ei adaequatum sic quod nihil continetur sub isto objecto quin posset percipi ab illa potentia, et omne quod percipitur a tali potentia continetur sub isto objecto adaequato. Sic enim visibile est primum objectum visus quia omne visibile potest percipi a visu, et nihil potest percipi a visu nisi visibile' (*DPA* 29, 91).

¹¹ '... et potentia activa habet duplex objectum. Uno modo objectum potentiae activae est illud circa quod operatur secundum viam generationis. Et sic materia domus est objectum artis aedificatoriae quae est in mente aedificatoris. Aliud est objectum quod scilicet intenditur tamquam finis a potentia tali vel ab habente talem potentiam. Et sic domus est objectum artis aedificatoriae' (*DPA* 20, 90).

¹² See Aristotle, *De an.* 3.5 (430a10-17), in Latin versions.

Burley, by providing a general explanation of *potentia activa* in a different but related context, gives his reader a useful key to his interpretation of this aspect of the intellect.

Similarly, when introducing the sensitive power as a passive one, Burley takes the opportunity to expound his understanding of what it means for a power to be passive. Noting that a power may be called 'passive' in three ways, he concludes with this illustration:

In the third way something is said to be acted upon when nothing is given up by it, but its power is brought to act; and in this third way, the sense is acted upon by the sensible, and the intellect by the intelligible. For just as when a blank tablet receives a picture, nothing is given up by the tablet, so it is when the sense receives a sensible image or the intellect an intelligible image; nothing is given up by the sense or by the intellect ... (*DPA* 43, 93).¹³

The image of the *tabula rasa* is, of course, well known: Aristotle uses it to explain the special passive power of the intellect — what Burley calls the *intellectus possibilis* — and Burley himself uses it in his own service in the *Questiones circa tertium de anima*.¹⁴ Because the nature of the *intellectus possibilis* is an issue at least as much debated as that of the *intellectus agens*, it is useful to encounter Burley's notion of the fundamental nature of a passive power in this less stormy atmosphere.

Appropriate to this same set of issues is Burley's general discussion of the media of sensation. His explanation of 'medium', drawn from Averroes' commentary on the *De anima* 2.4 (t.c. 51), reflects clearly the Aristotelian disjunction of act and potency already described:

... A sensible is a *movens-non-motum*; a sense is a *motum-non-movens*. But, between a *movens-non-motum* and a *motum-non-movens* it is necessary to posit a medium *movens-et-motum*, and that one is said to be the medium in sensation. For the medium is moved by an object, and the medium moves a sense, and thus the medium is *movens-et-motum*; the sensible is not moved by anything, nor is the sense moving.

The reason why a *movens-non-motum* cannot act upon a *motum-non-movens* without a medium is because those things which act without a medium and are acted upon in turn must be of the same genus. A *movens-non-motum* and a *motum-non-*

¹³ 'Tertio modo dicitur aliquid pati quando nihil ab eo abjicitur sed potentia ejus in actum reducitur; et isto tertio modo sensus patitur a sensibili et intellectus ab intelligibili. Sicut enim quando tabula rasa recipit picturam nihil abjicitur a tabula, sic quando sensus recipit speciem sensibilem, vel intellectus, speciem intelligibilem, nihil abjicitur a sensu vel ab intellectu ...' (*DPA* 43, 93).

¹⁴ See Aristotle, *De an.* 3.4 (429b30-430a9). Burley also uses this metaphor in the second of his *questiones*.

movens are not of this sort, because the *movens-non-motum* has totally the aspect of the active, and the *motum-non-movens* totally of the passive, and such are not of the same genus (*DPA* 90-91, 102).¹⁵

Since the dichotomy of act and potency is of central importance with respect both to the interior senses and to the *potentia intellectiva*, the mediation of that dichotomy is equally important. Although Burley's context is still that of sensation, there is again no reason to doubt that the principle set forth may also be applied, at least analogously, in the case of the intellect as well. It is, for example, upon just such a principle that the question of the nature and role of the phantasm must turn, an issue important to any future study of possible Averroistic tendencies in Burley's writings.¹⁶

If these explanations of *potentia activa* and *potentia passiva* are likely to be useful as regards the distinction between the active and passive aspects of the human intellect, equally useful may be the discussion of those special powers of the *potentia sensitiva* which are termed 'interior senses'. These seeming hybrids, begotten of the senses on the intellect, share the genes of both, and notably in respect of the distinction at hand. Drifting as they do between the *potentia sensitiva* and the *potentia intellectiva*, the interior senses may well have to be judged precisely in terms of their correspondence to *potentia activa* or *potentia passiva* and thus they may well become paradigms for future consideration of that speculative intellect which Averroes contends results from the operation of the active intellect on the passive.

Burley subdivides the special powers of the *potentia sensitiva* into two groups of senses, the exterior and the interior, accepting Aristotle's enumeration and order of the five exterior ones — sight, hearing, smell, taste, and touch — and Avicenna's of the interior ones — the common sense, imagination, fantasy, estimation, and memory.¹⁷ Although the elements of his discussion of the five exterior senses all have antecedents in the texts of his predecessors, Burley's arrangement and development of them appears to be his own. He turns away

15 '... Sensibile est movens-non-motum; sensus est motum-non-movens. Sed inter movens-non-motum et motum-non-movens oportet ponere movens-et-motum medium, et illud dicitur esse medium in sensatione. Medium enim movetur ab objecto et medium movet sensum, et sic medium est movens-et-motum; sensibile non est motum ab aliquo nec sensus est movens.

Ratio quare movens-non-motum non potest immediate agere in motum-non-movens est quia illa quae agunt immediate et patiuntur adinvicem debent esse ejusdem generis. Cujusmodi non sunt movens-non-motum et motum-non-movens, quia movens-non-motum totaliter habet rationem activi, et motum-non-movens totaliter passivi, et talia non sunt ejusdem generis' (*DPA* 90-91, 102).

16 It is, for example, at the heart of his explanation of the operation of the agent intellect in the second of his *Questiones circa tertium de anima*.

17 See Harry A. Wolfson, 'The Internal Senses in Latin, Arabic, and Hebrew Philosophical Texts', *Harvard Theological Review* 28 (1935) 69-133.

from the more common pattern of examining each sense in terms of all of its various aspects — a pattern which flows from literal commentary on the Stagirite's text — to the plan of examining each aspect of sensation in terms of all five senses. Thus we find, in order, discussions of the organs, the objects, and the media of the various senses. Though much of what Burley says in the course of these discussions had been said by his predecessors, no one else presents the material in just this fashion. Whatever the reason for Burley's choice, it seems a useful and even welcome change of habit.¹⁸

Aristotle does not himself delineate the so-called 'interior senses' which later Peripatetics include in their studies of the soul. The roots of the interior senses in Aristotle's system must be pieced together from several of his treatises apart from the *De anima* itself. Walter Burley follows the tradition of Avicenna in enumerating five such senses — the *sensus communis*, *virtus imaginativa*, *virtus phantastica*, *virtus aestimativa*, and *virtus memorativa*. He notes that the great Commentator reduces the number to four, assimilating the *virtus imaginativa* into the *virtus phantastica*, but Burley himself argues along with Avicenna that there is a particular need for the *virtus imaginativa* as a distinct power (*DPA* 102 and 110 ff., 104, 105-106).

As regards the four interior senses upon which there is agreement, the need for them is recognized in the need of every animal to retain the images of sensibles even in the absence of them, and to receive and retain *intentiones non sensatae*; in both instances the examples cited pertain to the preservation of the animal's well-being (*DPA* 107 and 110-111, 104-106). Of these four senses, two are exclusively receptive and two both receive and retain: the *sensus communis* receives the images of sensible forms; it knows '... all the objects of a particular sense, but also ... the differences of objects of diverse particular senses' (*DPA* 102, 104). Linked to this *sensus communis* is the *virtus phantastica* which '... not only receives what the *sensus communis* makes ...' but also 'retains' (*DPA* 106 and 112, 104 and 106). The *virtus aestimativa* '... not only receives the images of sensibles, but also intentions not sensed. Of this sort are friendship, enmity, which are certain intentions beyond sensible images ...' (*DPA* 107, 104-105). To it is linked the *virtus memorativa* which '... is a thesaurus of intentions as much as of images' (*DPA* 108, 105), retaining that which the *virtus aestimativa* cannot.

Avicenna's enumeration of the interior senses is defended by Burley against that of Averroes; at issue is the need for various powers of abstraction. The *virtus aestimativa* is able to abstract as regards intentions apart from matter, such as

¹⁸ One wishes to account for the apparent popularity of this little text — over forty surviving MSS. — and it is to be hoped that the reason is that it offered the reader something new and useful which was not elsewhere available.

friendship, enmity, and the like; however, according to Walter Burley's text, neither the *sensus communis* nor the *virtus phantastica* is able to abstract effectively from material sensibles. For this task, the *virtus imaginativa* is required: it is able to abstract from matter, though not from the accidents which determine the material (*DPA* 113-114, 106).

There is much to interest the reader in these relationships. In his later discussion of the active and passive powers of the intellect, Burley comments, using language one also finds in the earlier *questiones*, that '... to every passive power, an active power corresponds; otherwise the passive power would be posited to no purpose' (*DPA* 124, 108).¹⁹ Until the introduction of these interior senses, the *potentia sensitiva* fell victim to precisely this dilemma: it was a totally passive power (*DPA* 42, 93). By means of the interior senses, special powers are introduced which are not passive, namely the powers to abstract and to retain for future reference that which is received by the totally passive exterior senses. Equally significant so far as the present study is concerned, is that the inclusion of this active aspect within the *potentia sensitiva* simultaneously extends the scope of its objects to include that which has an affinity for the sensible but is in fact not sensible. Increasingly the subject turns toward that of the *potentia intellectiva* in which the relationship between potency and act is the focal issue, and the objects of its powers are exclusively abstract. How do these 'interior senses' relate to that highest of the soul's powers?

Fewer than four pages of the printed edition of the *De potentiis animae* are directly concerned with the issues posed by and about the *potentia intellectiva*, but from this brief discussion we can learn at least the fundamental character of Burley's most independent theories about the intellect.

In this text (as in the earlier set of *questiones*), Walter Burley follows the Peripatetic tradition and distinguishes the intellective power into the active and passive aspects postulated by the Philosopher in *De anima* 2.3. From the outset, however, the tradition reflected in the *De potentiis animae* runs counter to that which one associates with the radical Aristotelianism of Averroes; even the vocabulary used by Burley is not that of the Commentator — never does our author adopt such terminology as *intellectus materialis* for his own in this essay. He acknowledges such terms and even explains them, but he does not use them; he returns to traditional Aristotelian terminology — for instance, to *intellectus*

19 The wording of our text may be compared to that found in the second of the earlier *questiones*: '... cuilibet potencie passive correspondet potencia activa, quia potencia passiva non reducitur ad actum nisi per potenciam activam; si, igitur, esset potencia passiva sine activa, esset aliqua potencia passiva que nunquam posset reduci ad actum et sic, aliquod possibile esset impossibile'

*possibilis*²⁰ — to present his own positions (*DPA* 133, 111). (In this, too, the *De potentiis animae* and the earlier *questiones* are at one.)

Even more conclusive is Burley's very immediate rejection of the Averroistic thesis concerning the unicity of a separate agent intellect for all men. Following again in a common Peripatetic tradition, Burley affirms the need for an active aspect in the intellective power, but he qualifies his description of it in a manner completely antithetical to that of the Commentator:

... therefore, it is necessary to posit some other active item, and that active item is not separate from our soul as certain ancients said that the separate intelligence is the agent of cognition in our souls. ... it is necessary to say that the active item is something of the soul itself, the proof of which is that it is in our power to understand when we wish after we have intelligible images, just as every one experiences in himself; but if that active item leading our intellect from potency to act were separate from our soul, it would not be in our power to understand when we wish (*DPA* 124, 108-109).²¹

This argument, and its accompanying analogy to the relationship between light and the ability to see, is drawn from Themistius' commentary on the *De anima*, and repeats almost verbatim one of the arguments from the second of the *Questiones circa tercium de anima*.²² It reiterates for us that Burley's position in this regard is orthodox and unequivocally anti-Averroistic, that it is more likely to have been influenced by the Avicennian tradition with its focus on light imagery than by that of the Averroists.

20 Cf. the Greek text of Aristotle: ὁ μὲν τοιοῦτος νοῦς τῷ πάντα γίνεσθαι, ... (*Περὶ ψυχῆς* 3.5, 430a14-15).

21 'Et ideo oportet ponere aliquid aliud activum, et illud activum non est separatum ab anima nostra sicut quidam antiqui dixerunt quod intelligentia separata est agens cognitionis in animabus nostris. Sicut oportet dicere activum esse aliquid ipsius animae, cujus probatio est, nam in potestate nostra est intelligere cum volumus postquam habuerimus species intelligibiles, sicut quilibet in se ipso experitur, sed si illud activum ducens intellectum nostrum de potentia ad actum esset separatum ab anima nostra, non esset in potestate nostra intelligere cum volumus. Sicut patet in simili, quoniam praesentibus visibilibus eo quod lumen solis est a nobis separatum, non est in potestate nostra videre cum volumus quia non possumus habere praesentiam luminis cum volumus. Unde si lumen requisitum ad actum videndi non esset separatum a virtute visiva, tunc in potestate nostra esset videre cum volumus, et esset ponere visum agentem. Et sic patet necessitas quare oportet quod intellectus agens sit potentia animae nostrae, et haec est ratio Themistii' (*DPA* 124, 108-109).

22 '... in potestate nostra est intelligere cum volumus, postquam habuerimus species intelligibiles, ut quilibet in se ipso experitur; sed quantumcumque habeamus species intelligibiles non possumus intelligere nisi per intellectum agentem, sicut nec oculus potest videre nisi per lumen, et si visibilia sint presencia. si intellectus agens esset separatus a nobis, non esset in potestate nostra intelligere cum volumus, sicut patet in simili, quoniam quia lumen solis, sive activum <principium> luminis est a nobis separatum, quantumcumque visibilia sint presencia, non est in potestate nostra videre cum volumus.' Also see Themistius, *In de an.* 3, ed. G. Verbeke (Paris, 1957), p. 130, ll. 92 ff.; also, *In de an.* 4, p. 136, ll. 4-6, and *In de an.* 6, p. 225, ll. 5-19.

Burley's next remarks, specifically on *De anima* 3.5, give further support to such an interpretation. Paragraphs 125-132 of the *De potentiis animae* focus on the nature of the *intellectus agens* proposed by this famed passage in the Philosopher's text. Of special interest to us are the manner in which Burley utilizes the texts of Averroes on the subject — he turns to Averroes' *commentum* eighteen, just as he does in the earlier study — and Burley's position on the role of the phantasm. Of interest for its absence from the discussion is the Averroistic notion of an *intellectus speculativus*.

The initial question posed at this point in the *De potentiis animae* (it is included in the second of the earlier questions) concerns of what nature the action of the *intellectus agens* would be (*DPA* 125, 109). Burley pursues both of the Philosopher's metaphors in this regard, namely those of light and of art, and his emphasis, unlike that of the Commentator, is decidedly on the image of light.

Burley postulates a twofold *habitus* for the *intellectus agens*, one disposition to the possible intellect, and another to the phantasm: 'In this, that the agent intellect is as art is to matter, is denoted its *habitus* as regards the possible intellect; but in this, that it is oriented as light is oriented to colors, is denoted its *habitus* for the phantasm' (*DPA* 125, 109).²³ He then notes Averroes' position on the issue as it is set out in *commentum* eighteen on *De anima* 3, a passage which appears in each of Burley's three works on the subject.²⁴ This encompasses the first paragraph of Burley's discussion.

The remaining paragraphs (126-132) make no direct reference to other sources at all; one can at best look for the evidence of recognizable influences. Because the image that repeats itself throughout is that of light, one cannot help but again suspect the influence of the Avicennian tradition. Notable in this regard is Burley's contention that

... just as the light of the sun or of some other shining body is required so that a colored object may produce its image in the sight, so a certain spiritual light (*lumen spirituale*) is required in order that an image existing in the *virtus fantastica* may produce an image in the possible intellect, and that is the light of the agent intellect (*DPA* 126, 109).²⁵

23 'In hoc quod intellectus agens est sicut ars ad materiam denotatur ejus habitudo in comparatione ad intellectum possibilem; sed in hoc quod se habet sicut lumen ad colores denotatur ejus habitudo ad fantasma' (*DPA* 125, 109).

Compare this passage to one from the second of the *questiones*: '... in hoc quod intellectus agens est sicut ars ad materiam, denotatur ejus habitudo ad intellectum possibilem, sed in hoc quod se habet sicut lumen ad colores, denotatur ejus habitudo in operatione ad fantasmata.'

24 See Averroes, *In 3 De an.*, t.c. 18, ed. F. S. Crawford (Cambridge, Mass., 1953), p. 438, ll. 36-41 and p. 439, ll. 76-78.

25 'Et ideo sicut ad hoc quod coloratum gignat speciem suam in visum requiritur lumen solis

This notion of a *lumen spirituale* is in no sense an Averroistic one. It is, however, an Augustinian one, one compatible with Avicennian doctrine, one associated with *l'augustinisme avicennisant* attributed to men like Albertus Magnus and John Duns Scotus.²⁶ How telling, then, is Burley's conclusion to this paragraph: '... the action of the agent intellect is nothing but illumination.'

One effect of this approach to the activity of the agent intellect is on Burley's discussion of the phantasm (which also parallels that of his earlier text). Following the analogy of light as it does, the explanation of the phantasm and its specific relation to the agent intellect is certainly not Averroistic; notably absent, for instance, is any mention of Averroes' notion of an *intellectus speculativus*. Says Burley of the agent intellect and the phantasm, 'These two together ... imprint an image in the possible intellect, as two partial agents; but the agent intellect is the *agens principale*, and the phantasm, an *agens instrumentale*' (*DPA* 127, 110).²⁷ Two of the illustrations which Burley offers to explain this type of relationship are apparently his own and are rather interesting: he suggests on the one hand that two partial agents are able to concur in producing an effect as 'ordered causes', so that 'one might receive some power (*virtus*) from the other so that it might act, and thus the sun and a father concur in the production of a son ...' (*DPA* 128, 110).²⁸ On the other hand, Burley continues (and this *modus medius* is the one on which he settles for his own answer to the question at hand), 'subordinate causes are able to concur in an effect, so that neither might

vel alicujus corporis lucidi, sic ad hoc quod species existens in virtute fantastica gignat speciem in intellectu possibili requiritur quoddam lumen spirituale, et illud est lumen intellectus agentis' (*DPA* 126, 109).

26 E.g., cf. Albertus Magnus, *In de an.* 3, 2, 18, and *DPA* 125, 109; and John Duns Scotus, *Opus Oxon.* I, d. 3, q. 6, n. 8, and *DPA* 127, 110.

On *l'augustinisme avicennisant*, see Etienne Gilson, 'Avicenne et le point de départ de Duns Scot', *Archives d'histoire doctrinale et littéraire du Moyen Age* 2 (1927) 89-149; 'Les sources gréco-arabes de l'augustinisme avicennisant', *ibid.* 4 (1929) 5-149; and 'Avicenne en Occident au Moyen Age', *ibid.* 36 (1969) 89-121.

27 Consider also this passage from the second *questio*: 'et ideo est dicendum sustinendo istam posicionem, sed aliter eam intelligendo, quod accio intellectus agentis non est aliqua fantasma, ita quod aliquid de novo causetur per accionem eius circa fantasmata, nec eciam quod aliquid removeatur, sed per accionem eius potest fantasma gignere [sic] speciem universalis in intellectu possibili, que species representat rem absque omnibus condicionibus materialibus; non, tamen, sic quod fantasma sit precisum agens, sed fantasma et intellectus agens tanquam duo parciaia agencia imprimunt speciem in intellectum possibilem. unde, quia fantasma est similitudo unius singularis, aggregati ex rebus omnium predicamentorum, et per accionem intellectus agentis gignitur [sic] in intellectu possibili species unius rei absque hoc quod gignatur [sic] species alterius rei que, tamen, est ei communicata, ideo dicitur quod intellectus agens "abstrahit" quia non est aliud "abstrahere" nisi facere aliquid cognosci absque alio cui tamen, est in esse communicatum.'

28 Burley also uses this example in the third of the *Questiones circa tertium de anima*, citing it to refute a position drawn by Averroes from the texts of Avicenna.

receive any strength from the other, and thus a father and mother concur in the production of a son; for the father is a more principal cause than the mother, but neither receives any power (*virtutem*) from the other ...' (DPA 128, 110). It is in this way that the agent intellect and the phantasm concur in imprinting an image in the possible intellect.²⁹ Burley supports this contention by means of an analogy, again to light: '... light confers no form on color in order that color may be seen, but these two together (*simul*), namely color and light, imprint an image in the sight as was said before. Thus, the agent intellect confers nothing on the phantasm, but these two together imprint an image in the possible intellect ...' (DPA 130, 110).³⁰

Thus Burley defines again the twofold activity of the agent intellect: it has an immanent activity, to shine (*lucere*), and this action is perpetual; it also has a passing (*transiens*) activity, to abstract (*abstrahere*), and this action is to make what is potentially known actually known. This latter activity, says Burley, is in fact the action described previously in connection with the phantasm, and it is to know something or to make something known apart from its material conditions, apart from that to which it is conjoined. Once more we find our author returning to the illustrations that he used in his first text on the soul: the twofold activity of the agent intellect (and of light) is compared to that of fire, which has the twofold ability to be warm (*calere*) and to make warm (*calefacere*), and the activity of abstraction is explained in terms of the abstraction of the whiteness of milk from its sweetness.³¹

There is a special utility to this distinction between the *actio immanens* and the *actio transiens* of the agent intellect. Of course it continues the basic Aristotelian distinction between the active intellect as *ars* and as *lumen*, but by describing these actions as he does, Burley places a hierarchical judgment on them which is not to be found in Aristotle's own text, and which is even not clearly to be seen in Burley's earlier question on this subject. It is a judgment which tells us about Burley's view of the subject rather than about that of the Philosopher, and it is, in fact, a judgment which supports the supposition that, within this text, Burley's sympathies are more likely to lie with the tradition of an Aristotelianism compatible with Christianity than with the 'Aristotelianism' of an Averroist.

29 'Intellectus agens et fantasma imprimunt speciem in intellectu possibili modo medio, scilicet tamquam duae causae partiales quarum una est principalior alia, et neutra recipit aliquam virtutem ab alia' (DPA 129, 110).

30 '... lumen nullam formam tribuit colori ad hoc quod color videatur, sed illa duo simul, scilicet color et lumen, imprimunt speciem in visum ut prius doctum est. Sic intellectus agens nihil tribuit fantasmati, sed ista duo simul imprimunt speciem in intellectum possibilem' (DPA 130, 110).

31 DPA 131-132, 110, which again corresponds to a similar discussion in the second of the earlier questions.

There is in the manner of this particular distinction a hint at the question of the nature of the agent intellect as regards its immortality. Although only a hint, it is sufficient to strengthen the conviction that Walter Burley's notion of the *lumen spirituale* is still at work: as light, the agent intellect is perpetual, but as the agent which imprints images in the possible intellect it is only passing. That this latter should be true may be attributed to the character of the possible intellect and of the phantasm, for within the Peripatetic tradition these are conceded to be subject to generation and corruption. On the other hand, the Peripatetics are in agreement that the agent intellect has the character of immortality. When, however, Burley adverts to the light image, and proposes that it is the agent intellect *qua lumen* that is perpetual, we have here not the phrasing of a simple Aristotelian, but emphatically of an Augustinian. Here more than ever we might wish that Burley's *De potentiis animae* dwelt more explicitly and extensively on the issue of the relation of the intellective soul to the unity of man, for this would compel a more decisive exposition. The best we can say on the basis of this text is that the undercurrents of an influence from outside Averroism are present, and there is no affirmation derived from the Commentator to counterbalance them. If one juxtaposes the idea concerning immortality implicit in this text with Burley's position concerning the manner of the agent intellect's inherence in the individual as it can be found presented in the *questiones*, this conviction that Burley's inclinations run completely counter to those of Averroism is redoubled.

Nor does the remaining discussion of the intellect in this text in any way suggest that Burley is one with Averroes and the radical Aristotelians of his following; quite the contrary. This discussion is, predictably, focused primarily on the possible intellect, and in this regard Burley clearly sees Averroes' position as something alien, something which is reported in his study but which is not incorporated into his own position. He notes, for instance, that the possible intellect is called the 'material intellect' (*intellectus materialis*) 'by the philosophers' (*a philosophis*), and that this term is defined by the Commentator in the third book of the *De anima*.³² Burley himself retains the earlier Aristotelian nomenclature, however, and addresses his attention not to construing the definition reported from the Commentator's text, but to interpreting Aristotle's own position directly. He notes again the image of the *tabula rasa* which is attributed to the Philosopher, and by which the passive character of the possible intellect is expressed; he considers also the Philosopher's thesis that the possible intellect is in some way all things. Burley's conclusions in these matters are

32 DPA 133, 111. See Averroes, *In 3 De an.*, t.c. 5, Crawford, p. 387, ll. 23-26.

typically Peripatetic to be sure, but they do not reflect any particular Peripatetic school.

Finally, Burley notes almost in passing the other names by which the philosophers name the intellect: *intellectus formalis* and *intellectus adeptus*, *intellectus in effectu* and *intellectus in potentia*, and *intellectus assimilatus*. But these, he states, are not diverse powers of the soul, and he proceeds to construe them in terms of the traditional nomenclature which he has used throughout his text (*DPA* 137-138, 111-112). Once again, Burley seems to set himself apart from these 'other' traditions in the interpretation of Aristotelian psychology.

* * *

In summary, then, it may be said of the *De potentiis animae* that it is a brief essay on the powers of the soul which follows its own literary format, and which seems to have been influenced in the choice of its emphases by a fairly conservative Aristotelianism such as we associate with *l'augustinisme avicennisant*. Unlike the earlier *questiones*, our text is entirely non-polemical, and only indirectly does it advert to the psychological questions which generated such controversy in the late thirteenth and early fourteenth centuries. There is every evidence that its author, writing very early in his career, is a conservative and totally orthodox Peripatetic. Certainly one could not designate him an Averroist on the evidence of this text, and least of all an Averroist in any culpable sense.

Houston Community College System.

COMMUNITY CONFLICT AND SOCIAL CONTROL:
CRIME AND JUSTICE
IN THE RAMSEY ABBEY VILLAGES¹

Barbara A. Hanawalt

'Men are not hanged for stealing horses, but that horses
may not be stolen.'

George Savile, Marquess of Halifax

THE village community was the primary definer of which actions within its boundaries would be called criminal and how people participating in these actions would be controlled. Long tradition had placed upon the villagers the burden of detecting and reporting felonies to the king's officials and courts and infractions of local customary rules to manorial courts. Antisocial behavior could be brought to the attention of either the manorial courts or the king's officials by individuals, through private suit or by raising the hue and cry against a person. Usually, however, the detection of potentially criminal acts and the decision about what should be done with the suspect rested with the jurors of the village. These men were drawn from the most prominent among the village peasantry;² they were expected to acquaint themselves with the antisocial actions of their neighbors and report these actions to the appropriate courts. Although guided by common law traditions and the Statute of Winchester (1285) that larceny, burglary, robbery, receiving, homicide, rape and arson were matters to be referred to the king's courts, the village jurors had considerable latitude in interpreting such categories. For instance, wrongful gleaning in grain fields would be considered a felony in some instances and an infraction of manorial rules in others.

1 This article would not have been possible without the generous offer of Professor J. A. Raftis to let me use the material in his Regional Data Bank and the aid of Professor M. P. Hogan in patiently explaining what the material meant. I am extremely grateful to both of them. I would also like to thank the Canada Council for funding the project. The article is dedicated to R. N. G. whose fourteenth-century family contributed substantially to the criminal data.

2 J. A. Raftis, 'Social Structures in Five East Midland Villages', *The Economic History Review* 18 (1965) 84-85; E. Searle, *Lordship and Community: Battle Abbey and Its Banlieu* (Toronto, 1974), pp. 432-35.

Even homicides could be explained away as accidents if the village jurors at the coroner's inquest were so inclined. When the jurors did bring the cases to the king's courts through felony presentments, they involved the suspect in a much more costly and time consuming legal process, and one which could end in hanging.

The bases for community standards by which particular antisocial acts and people committing them would be considered felonious is the focal point of this essay. In order to investigate the pattern of social control in the villages, those members of the communities who were tried in the king's criminal court have been identified by their status in the villages, their crimes, the disposition of their cases, their relationship to the victim and their record of village interaction.

The compilation of evidence on the social status of the accused, his role in the peasant community and his relationship to the victim suggests the hypothesis that both the commission of crimes and the exercise of law enforcement could be forms of social control in peasant communities of medieval England. Many homicide and arson cases could be viewed as extreme reprimands on the part of individuals or groups to others in the community. Thefts of all sorts — larceny, burglary or robbery — could be interpreted as social levellers. Not only were they a way of redistributing goods, but also potentially a way of attacking the victim. No claim will be made in the essay that crime is definable solely as social control. Indeed, the evidence clearly indicates several other reasons for criminal acts which will also be discussed. But the negative side of community interaction, crime, is too often overlooked by social historians stressing community cooperation in medieval villages, and it deserves a hearing. Likewise, it has too often been the tendency of legal historians to impose a rational administrative order on the functioning of the medieval judicial system when, in fact, it was a very flexible and fluid institution. Lacking hindsight and knowledge of contemporary judicial treatises, village jurors seldom had the awareness of modern legal historians for the fine points of precedence in classifying some cases as homicides and others as accidents, some as burglary and some as trespass, and consigning them to appropriate courts on this basis. The neat administrative picture carefully built up in traditional legal histories ignores an important aspect of all judicial systems: that they can be and are manipulated by people and institutions who have power over them for their own goals of social control. The use of law as a weapon of social conflict is an aspect of our legal tradition which tends to be ignored in favor of the idealistic principle of law as an arbitrator of disputes, but it is a tradition as ancient as the blood feud. The work of A. T. Turk on clarifying the theory of law as an instrument of coercion and social conflict has helped to bring this into sharper focus.³ The unique feature of medieval English criminal

3 A. T. Turk, 'Law, Conflict, and Order: From Theorizing toward Theories', and 'Law as a

law was the number of people at all levels who were in a position to use the law as a powerful tool for achieving their own ends: individual peasants, village communities, lords and their officials, royal officials and the king. The present study will concentrate on the ways peasants, either in communities or individually, used law both for resolving conflicts and for social control.

I. THE SOURCES

The combination of sources used in this study is unique because it draws upon both central court records, i.e. the gaol delivery rolls (Public Record Office Class Just. 3), and manorial court records. The use of both types of records, which would have been a lifelong study for one person, was made possible through linking the data of two longer studies: my own on fourteenth-century crime and Professor J. A. Raftis' and his students' studies of Ramsey Abbey estates and villages.⁴ The period 1290-1353 is covered for this study in the two types of rolls.

Huntingdonshire gaol delivery rolls for the study are sporadically preserved for 1290-1300, but there are good runs for 1309-13, 1328-33 and 1335-53. The Ramsey Abbey manorial court rolls included in the Regional Data Bank at Toronto cover the Huntingdonshire towns and villages of Broughton, Godmanchester (non-Ramsey), Holywell-cum-Needlingworth, Hemingford, Houghton, Wyton, Ramsey, Ripton (Abbots and Kings), Little Stukeley, St. Ives, Upwood, Warboys and Wistow. Since the gaol delivery entries usually included the residence of the accused and victim and often the location of the crime, the Ramsey Abbey villagers could be identified. In all, eighty-nine of those indicted for felonies and forty-three victims of felony could be positively identified in the manorial or village court rolls either as individuals or as members of village families. In addition to those accused who could be positively identified as associated with the villages, there were forty who committed crimes in the villages or with known villagers and who were either outsiders or about whom there is no information. The bulk of suspects associated with the villages could, therefore, be traced in manorial records.

Information about the villagers on the gaol delivery rolls includes the felony

Weapon in Social Control'. Professor Turk kindly gave me copies of both of these articles which are in manuscript form.

4 Of particular note in this project are J. A. Raftis, *Tenure and Mobility: Studies in the Social History of the Medieval English Village* (Toronto, 1964); idem, *Warboys: Two Hundred Years in the Life of an English Mediaeval Village* (Toronto, 1974); and E. Britton and J. A. Raftis, eds., *Studies of Peasant Mobility in a Region of Late Thirteenth- and Early Fourteenth-Century England*, in manuscript.

for which they were either victim or accused; the disposition of the case; the punishment; the goods stolen and their value; the legal procedure which brought them into court; their associates in crime, if any; and sometimes the circumstances surrounding the felony. The manorial court rolls give a fuller picture of the duties, land transactions, official positions and minor quarrelsome offenses of the villagers. Their official service as jurors, capital pledges, pledges and ale tasters is noted; relations with other villagers in debts, trespasses, defaults, pleas, defamation, concords, tithing, fornication and land transactions are all recorded; and infringements of rules of the manor with appropriate fines are enrolled, such as failure to perform work owed to the lord, breaking the assize of ale, wrongfully gleaning, assault, hamsoken (breaking and entering), theft, raising the hue, receiving people out of tithing and so on. In sum, the manorial rolls give the background of the social interactions of villagers and their families over several generations. From this sort of information, it is possible to form some sort of profile on the types of people who were indicted for criminal offenses in gaol delivery. The researcher can, by comparing the records, see if the suspects had a long history of obstreperous behavior in the village; had a number of smaller infractions; had frequently been negligent in their duties to the lord; or had a generally peaceful record on the village level before they were hauled into the king's court.

Before looking at the sorts of people who were indicted and the reasons why they were, a brief background of the legal processes by which a person was brought into gaol delivery⁵ will be helpful in understanding the argument of the rest of the essay. The oldest way of bringing a suspect before the king's justices was through individual action. A wronged person, or his or her next of kin in a homicide, could bring a private suit against the person thought to have committed the crime. The advantage of such private appeals of felony consisted in the fact that the victim could be assured of a hearing for his wrong and perhaps regain his stolen property. But a private appeal was not to be undertaken lightly. It meant a series of appearances in the county court and the gaol delivery and a fine for non-appearance or for false appeal if the decision of the jury went against the appellant. Semi-public appeals were also possible through the king's approvers, already indicated or suspected people who turned state's evidence and brought appeals against those who were associated with them in a criminal act. The advantage of becoming an approver was not great. Their appeals were almost

⁵ In addition to the standard work on this subject in F. Pollock and F. W. Maitland, *The History of English Law before the Time of Edward I*, 2nd ed., S. F. C. Milsom, ed. (Cambridge, 1968), chapters 8 and 9, there is R. B. Pugh, *Imprisonment in Medieval England* (Cambridge, 1968).

always judged false by the jurors and they were then hanged for the crimes they had initially confessed to. An extension of life for a year or two and perhaps a chance to break out of prison was the most they could hope for. Finally, the individual could participate directly in the apprehension of criminals by raising the hue and cry. It was the duty of everyone in the community to do this when he saw a crime occur. The villagers were to turn out and pursue the suspect. If they caught him with the stolen goods in his possession, he was almost certain to be convicted of the crime.

Most of the suspects, however, appeared in gaol delivery through the process of indictment and arrest. Twice yearly the county sheriff or one of his bailiffs came to the hundred and gathered together a jury to hear presentments. Representatives from the villages came and presented the names of those who were suspected of committing crimes. Failure to report crimes could result in a fine on the village if it were detected. The jury listened to the presentments and decided if there were sufficient evidence for an indictment. If this proved to be the case, the sheriff was responsible for arresting the suspect if he or she could be found.

The arrested suspect was taken to the county gaol to await trial. If he had not committed a serious crime, he could be released on bail or to people who would stand surety for his appearance at the trial. Release from gaol often involved a payment to the sheriff since it was done at his discretion. If the person was not released on bail or to pledges, he would have to stay in the gaol and pay the gaoler for room and board until the trial. Again, this could be expensive with both the gaoler and the sheriff receiving a cut of the proceeds.

The gaol delivery justices came to the county gaols usually two to three times a year. They heard all of the cases which had accumulated since their last visit. A jury from the neighborhood where the crime was committed determined the guilt or innocence of the accused. In the early fourteenth century, the jurors would still be responsible for finding the evidence about the case, and overlaps between the jury making the indictment and the trial jury were common. If he were found guilty of felony, his goods were confiscated by the crown and he was hanged, or, if the stolen goods were under twelve pence in value, he would be imprisoned for a few days, dismissed, or sent to the pillory. Convicted clerks had their goods confiscated and were released to the bishop for ecclesiastical trial. Royal pardons were issued to those who killed in self-defense, the insane, or those who served the king in his wars. Like the period in gaol, the trial could be expensive. For homicide a writ of *bono et malo* had to be procured before the trial. A favorable judgment could require bribes to judges and jurors, although the extent to which this was done is, of course, unknown. Even if released on bail or to pledges, there was the expense of the trip to the county gaol for the trial. In all, the king's justice could be financially punishing even if the process ended in acquittal.

II. THE ACCUSED

For the most part the accused were people who could afford to go through the legal process. Members of the main village families comprised 79.8% (seventy-one) of the identified felons. Professor Raftis has defined the main families as those who appear in family groupings over several generations, have adequate to substantial land holdings, and take an active role in manorial court business and community governance.⁶ Coroners' roll evidence confirms this conclusion. In London most of the accused murderers were tradesmen, while in the country the average value of chattels confiscated from the accused was 10*s.* 4*d.*⁷ Another indication of the role of main families in gaol delivery can be gained by looking up the names of the accused on the tax rolls, the lay subsidies of 1327 and 1333.⁸ A comparison of gaol delivery indictments with the lay subsidy rolls, however, proved disappointing in making a final assessment of the status of the bulk of the offenders. Of the 171 accused appearing between 1327 and 1347 in the Huntingdonshire gaol delivery rolls, only thirty-seven or 22% could be positively identified as having sufficient surplus moveable property (10*s.*) to pay the tax. Since identification of individuals on the subsidy rolls is difficult, this figure is probably an under representation.⁹

The main families may be further subdivided into the prominent or primary villagers and the secondary villagers. Of the main family members indicted for felony, 38.2% (thirty-four people) were from the most prominent village families. These were families who not only lived in the village for long periods but who supplied the village with their officials — jurors, tasters, reeves, beadles and capital pledges. They held at least a semi-virgate to a virgate of land and were actively involved in land transactions. They were also distinguishable in the rolls by their aggressive use of the manorial courts to pursue debts and trespasses and by the frequent references to their failure to work for the lord.¹⁰ On the whole, the profile of the prominent families from the manorial court rolls is that

6 Raftis, 'Social Structures', 84-87.

7 B. A. Hanawalt, 'Violent Death in Fourteenth- and Early Fifteenth-Century England', *Comparative Studies in Society and History* 18 (1976) 308.

8 J. A. Raftis and M. P. Hogan, *Early Huntingdonshire Lay Subsidy Rolls* (Toronto, 1976).

9 For accurate identification in the subsidy rolls both the village residence and name of the suspect should correspond. Furthermore, the subsidy rolls do not include all family members such as sons or wives or daughters. Poor relatives, of course, would receive no attention in the tax rolls. In addition to loss of identification through family members, there was a certain amount of hiding goods from the king's assessors or converting chattels into land.

10 J. A. Raftis, 'The Concentration of Responsibility in Five Villages', *Mediaeval Studies* 28 (1966) 93-118. In Raftis' work and that of his students, these families are considered the A families. They are remarkably easy to identify as taking leading roles in the village.

of aggressive, economically successful social groupings who manage to dominate village politics.

In the village studies of Broughton and Holywell-cum-Needlingworth, the prominent families far outstripped the other groups in semi-criminal acts of trespass, raising the hue, assault and so on.¹¹ In spite of their involvement in peace keeping through activities as jurors and capital pledges, their high incidence of felony indictments is not surprising. As prominent land and chattel holders and as officials they had a wide range of potentially criminal interactions with both fellow villagers and outsiders. Their economic well being would also make them better fed and physically capable of aggressively pursuing felony as well as field work. It is not at all unusual to find that one of these prominent villagers had a considerable record for troublemaking before and after his indictment. For instance, John de Broughton was tried and acquitted for homicide in 1302.¹² In the five years prior to that time he had nineteen pleas, five trespasses against neighbors, four work defaults and had been ale taster from 1299 to 1301. After the trial he went back to his usual aggressive pattern, adding assault and defamation charges. Some of the people from the prominent families who were charged were young men (perhaps teenagers) whose fathers were leading villagers. Britton found that, in the antisocial behavior cited in manorial courts, 62% of the juvenile delinquents were from prominent families.¹³ The most interesting of the juvenile delinquents in gaol delivery is John son of Hugh de London who was accused and acquitted of burglary in 1353.¹⁴ His father, who was a bailiff in Ramsey, was also implicated. John had no previous manorial court record and by 1380 he seems to have sowed no more wild oats, for he moved into the responsible position of juror. The accused was the leading member of the family in fifteen of the cases, and in the others participants included either one of his sons, a nephew, a brother or a cousin.

Below the prominent villagers but still among the main village families were the secondary families whose indictment record shows considerable antisocial behavior — 41.6% (thirty-seven people) of the accused for whom there is information.¹⁵ These secondary families had continuous residence in the villages,

11 E. B. DeWindt, *Land and People in Holywell-cum-Needlingworth* (Toronto, 1972), p. 267, finds that they committed 46% of the trespasses; E. J. Britton, *Broughton 1288-1340: A Medieval Village Community* (Diss. Toronto, 1973), pp. 235-50.

12 P. R. O., Just. 3/24/1 m. 2.

13 Britton, *Broughton*, pp. 70-71.

14 P. R. O., Just. 3/136 m. 16.

15 This category is the most widely interpreted by Raftis and his students. In 'Concentration of Responsibility' Raftis divided this group into three categories, B through D, as families disappearing from the village, those appearing in the village and those continuing in a minor way. Britton, *Broughton*, p. 24, on the other hand, divided it into B and C families. B families were those

appeared in familial groupings with landholdings and were frequently mentioned in the manorial court rolls. They differed from the prominent villagers in that they assumed village offices and official duties only occasionally and were less active in court business. Like their betters, the secondary families were well enough established economically to have a number of social interactions and to pursue their disputes aggressively in court or in crime. They were involved only slightly less frequently than prominent families in trespasses, assaults and other antisocial acts in the villages.¹⁶ The family member indicted for felony was identifiable in eight of the cases as the chief member. For instance, Hamon of Holywell, who was accused of larceny in 1337,¹⁷ was the chief member of his family and ten years before had paid 2s. on 30s. of moveable goods in the lay subsidy of 1327.

A dramatic drop in participation in crime comes with the intermediate group of villagers: only 20.2% of this group could be identified in both gaol delivery and the manorial courts. The intermediate villagers did not live a long time in the villages where they were identified; generally speaking there were only one or two references to them in the manorial rolls and these tended to indicate their transient status. They were cited for being received out of tithing, for minor infractions such as theft or wrongful gleanings, but there were few such charges for they left the village soon afterwards.¹⁸ A typical example of an intermediate villager indicted for felony is Richard Tynkere of Hemingford Grey. He was tried in 1329 for stealing grain from a barn in Hemingford Grey.¹⁹ The case ended in acquittal when the jurors said that he had stolen grain worth only 5d. Richard's name probably indicates his trade and hence his intermediate status is apparent. He probably wandered from village to village as a tinker.

Finally, there were forty suspects who cannot be identified but who were either associated with known villagers or committed crimes in the village. This proportion is similar to that of outsiders who participated in trespass and other non-felonious antisocial acts in the villages.²⁰ Pre-industrial society has long been characterized as having a large wandering body of poor and vagabonds begging

who occasionally held office and C families never held office. He used the category of D for outsiders to the village. DeWindt, *Holywell*, pp. 208-209, used a similar division for B and C families.

16 DeWindt, *Holywell*, p. 267; Britton, *Broughton*, pp. 235-50. Britton has found that juvenile delinquents from this group account for only 38% of cases in manorial courts (pp. 70-71).

17 P. R. O., Just. 3/24/4 m. 4.

18 Raftis, 'Social Structure', 95-98.

19 P. R. O., Just. 3/24/4 m. 3d.

20 DeWindt, *Holywell*, p. 267, found that only thirty-five out of 170 acts of trespass were committed by outsiders and transients. The frankpledge system in the early fourteenth century tended to reduce the number of vagabonds since everyone had to be in tithing. This system broke down in the fourteenth century after the Black Death.

and looking for work. While this was certainly a feature of sixteenth-century England, the extent of the vagabond population in the fourteenth century is not known. Although a vagabond could wander into a village, commit crimes and leave before detection, the evidence suggests that the majority of the forty suspects not otherwise identified were from main families of neighboring villages. Raftis has analyzed the appearance of outsiders in manorial records and found that the majority were from prominent families of neighboring villages who were charged with trespasses or who entered into debts or concords with villagers.²¹ Often the gaol delivery entries give indirect evidence that the accused were not just wandering people. For instance, an association of three suspects in a homicide included John de Broughton, who was one of the important villagers of Broughton. One of his associates was Roger de Ramsey who, the record says, was his brother. The third member, John Dendens, is not identifiable but was probably prominent or he would not have been likely to find criminal associates with the village elite.²² In other cases, the suspect's name indicates profitable involvement in trade such as William son of Adam le Smith de Leighton²³ or Reginald Betterrech of Wood Weston, carter.²⁴ The bulk of those appearing in gaol delivery, therefore, were from prominent families either in their own village or outside.

An analysis of those who acted together in criminal associations showed that, for the most part, members of different groups seemed to stick with their own kind in committing crimes, as did John of Broughton. In nineteen instances the prominent villagers sought association with each other, and only nine times with secondary villagers. The secondary villagers also formed associations within their own group (twelve intra-group and nine with prominent villagers). All groups associated with outsiders in crime on occasion but the intermediate group did so exclusively. On the whole, then, associates in crime tended to come from the same social status.

Perhaps even more important than the accused's status for understanding the reasons why he committed crimes, or was indicted for them, is the distance he lived from the scene of the crime. How far from his home village did he travel to commit crimes? Since places of residence are usually given, a mobility study of the accused is easily done. In our study of the Ramsey Abbey village crimes which appear in gaol delivery, there are 114 cases where the residence of the accused and the location of the crime could be identified. Of these fifty-one or

21 Raftis, 'Social Structure', 87-90.

22 P. R. O., Just. 3/24/1 m. 2.

23 P. R. O., Just. 3/136 m. 21.

24 P. R. O., Just. 3/94 m. 9d.

44.7% of the crimes occurred in the same village in which the accused lived; twenty or 17.5% occurred in a village a mile or less away; and sixteen or 14% occurred two to five miles away from the accused's village but still within a usual day's walk for business.²⁵ Only 7.9% of the accused lived from six to ten miles from the scene of their alleged crime, and 7% lived eleven to fifteen miles away. Ten of the accused traveled farther than fifteen miles and usually were from a different county. Most of the accused from outside the county were indicted in St. Ives. The fair at St. Ives attracted a group of four suspected counterfeiters²⁶ and a number of thieves.

It remains to be determined if the status groups were indicted in proportion to their numbers in the village or whether one group predominated in terms of the overall population. The exact population of the villages is impossible to determine with any accuracy because the manorial rolls do not deal with women and children as regularly as with men, and with transients as much as with permanent residents. DeWindt has estimated the population of Holywell to be about 300 in the pre-plague period.²⁷ In the first fifty years of the fourteenth century they had twelve recorded felonies (there are, of course, several large gaps in the gaol delivery records) or upwards of four per hundred population spread over fifty years. No particular status group, however, seemed to have predominated in this antisocial behavior beyond what might have been expected from their proportion in the village population. For Broughton, Britton found 384 members of prominent families mentioned or 48% (this group comprises 38.2% of the indictments), and eighty-two members of secondary families or 41% (41.6% of the indictments).²⁸ The accused, then, were largely from the main village families, who made up the bulk of the population.

III. TYPES OF CRIMES COMMITTED BY THE DIFFERENT STATUS GROUPS OF THE VILLAGES

The types of crimes which the prominent, secondary and intermediate families committed is indicative of the types of social conflicts and needs which their status dictated. For instance, a look at the following table indicates that homicide

25 J. A. Raftis, 'Town and Country Migration' in *Studies of Peasant Mobility*, eds. Britton and Raftis (manuscript).

26 P. R. O., Just. 3/110 m. 2.

27 DeWindt, *Holywell*, p. 171.

28 Britton, *Broughton*, p. 23. I have telescoped his B and C families into the group 'secondary villagers'. He does not have an intermediate group so that his C category is larger than mine would be. Probably the proportion would be closer to that for the A families were our criteria for classification the same. His D group are outsiders rather than intermediate villagers.

was the single most common crime for all status groups in the village (40 % of all crimes), and that the bulk of the murders were committed by the prominent and secondary families in the villages. It is understandable that they should have a fairly high murder record because, as pointed out earlier, they had a number of potentially violent community interrelationships due to official duties and the property they held. Furthermore, they were well enough fed to enter physically into frays. In fact, Britton found that in Broughton prominent families were responsible for thirty-five out of thirty-seven cases of assault.²⁹ A study of fourteenth-century homicide showed that the majority of the convicted suspects had moderate to substantial accumulations of chattels.³⁰ It is tempting to interpret the table below as indicative of an even more violent and grasping record on the part of the secondary rather than the primary families because they committed more homicides (43 % of all their criminal acts were homicides compared to only 36 % of the prominent families). But the difference is very slight and may be due to the small sample of cases and the difficulty of being absolutely certain of who is secondary and who is prominent in the villages. More interesting is the fact that homicide plays such a large role in the crime pattern of the intermediate families. Violent death was obviously not only a product of village interaction but also a mode of social behavior which was common to all villagers. As we shall see in the section on law enforcement, the society seemed to be willing to regard homicide as part of an acceptable standard of social behavior for the community.

Distribution of Crimes by the Status of the Accused

	Primary	Secondary	Intermediate
Homicide	12	17	8
Arson			
Burglary	6	15	1
Robbery			
Larceny	8	9	7
Receiving	7	7	2

Other types of felonies were more directly related to the social status of the accused. In the property crimes, the types of social interactions of the different status groups are very apparent. Larceny played the largest role (39 %) among

²⁹ *ibid.*, p. 239.

³⁰ Hanawalt, 'Violent Death', 308.

the intermediate group.³¹ Some of this larceny must have been economically motivated, for these people had little if any land and no guaranteed employment. Joan Kelenach of Wistow is a good example of the larceny pattern of this fringe group. In 1353 she was accused of three larcenies in Wistow which involved the theft of geese. The value of the stolen goods was very small and she was acquitted of all three charges.³² Life must have been difficult for Joan and her mother, who also appears in the manorial rolls, for they were repeatedly cited for wrongful gleaning. The secondary and primary village families also stole goods, but this accounted for only 23 % of their felony charges. Their involvement in theft was most striking in burglary cases which accounted for 16 % to 19 % of their felony charges compared to only 6 % for the intermediate villagers.³³ Their greater participation in burglary as compared to that of the intermediate group is again understandable because items taken in burglaries tended to be of greater value and the felony required more planning. Burglars usually got goods of higher value, such as the 40s. worth of church ornaments which William son of Richard de Camera of Broughton was accused of stealing from a church in Broughton.³⁴

The obvious property crime in which to find the upper strata of peasant society involved was receiving: this accounted for 21 % of the crimes associated with prominent village families and 18 % of those with secondary village families. Not only did the main families wrongly receive most frequently in the gaol delivery court records but in the manorial courts as well.³⁵ Professor Raftis has explained receiving on the village level as a natural risk the wealthier peasants took in hiring labor for home and field tasks from the transient labor force. Undoubtedly, they unwittingly hired or sheltered felons as well as field hands, but they were also the natural ones in the village to whom to sell stolen goods — they were the ones who had the money to buy a few extra luxuries. For instance, John Crane of Upwood was accused of receiving barley stolen from the abbot of Ramsey,³⁶ and two members of the prominent Holywell family of Gere were accused of receiving clothing and grain in 1337³⁷ from a confessed thief.

31 Britton, *Broughton*, p. 242. In manorial court records Britton found that all cases of theft were A families. This may indicate that the A group was able to demote their theft cases to the manorial level while others could not.

32 P. R. O., Just. 3/136 m. 16.

33 Britton, *Broughton*, p. 241. Of the fourteen cases of breaking and entering the bulk were C families rather than A families.

34 P. R. O., Just. 3/24/1 m. 2.

35 Raftis, 'Concentration of Responsibility', 116-17.

36 P. R. O., Just. 3/94 m. 9d.

37 P. R. O., Just. 3/24/4 m. 4.

IV. RELATIONSHIP OF THE VICTIM AND ACCUSED: CRIME AS A TOOL OF SOCIAL CONFLICT

If, as we have shown above, participation in different felonies varied from rank to rank among the villagers, did these variations represent inter-group conflicts within the villages and as such were they an attempt to use crime as a form of social control? So far as the suspects can be identified, they were primarily local people (76.2% lived within a five mile radius of the place in which the crime occurred) and are from the main village families. In the majority of cases, therefore, the accused can be presumed to have known the victim before the crime. Most criminal acts are not random but an outgrowth of social interaction between the victim and the accused. Comparing the status of the victim and the accused and looking at some individual cases do indicate that there were more than random factors at play in the selection of people who became victims. While there were often individual reasons why a person became a victim of crime, there was also a pattern of group interaction in village felonies indicative of social conflict and social control through crime. Of the forty-three victims who could be identified in manorial court rolls, twelve were from prominent village families, eighteen were from secondary families,³⁸ nine were members of the clergy including the abbot of Ramsey, and only four came from the intermediate peasant groups.³⁹ When these victims are matched with the accused, a definite pecking order appears in the village.

The prominent villagers overwhelmingly chose their victims from the clergy (very frequently their overlord, the abbot of Ramsey, or a local parson). After the clergy, they attacked each other and the secondary villagers equally. Since the Ramsey villages were ecclesiastical estates, it is obvious that the abbot or his property would be the object of attack. His and the property of other clergy would be the most attractive to the already prosperous primary villagers. In Broughton, for instance, in 1294 John Gere, Thomas Gere, John son of Simon Crane and William son of John Roger were all tried and acquitted for burglary of the abbot of Ramsey's barn,⁴⁰ undoubtedly the best stocked in the neighborhood. The crime could have been a natural consequence of the village pecking order, or it could have been interpreted as an attack on the abbot since two bushels of grain

38 DeWindt, *Holywell*, p. 71, found that major families were victims in thirty-one out of seventy-seven or 40% of the acts of violence in manorial court. In gaol delivery twenty-five out of seventy-seven or 37% of the victims were identifiable as paying lay subsidy in 1327-1333.

39 *ibid.*, p. 27. Out of seventy-seven acts against minor families, fourteen were against transients.

40 P. R. O., Just. 3/94 m. 9d.

worth only 15*d.*, to be split four ways, is hardly an attractive profit for men from already well-to-do backgrounds.

Suspicion that the motive of this burglary was different from pure greed is heightened by the general strike of Broughton villagers against the abbot of Ramsey four years previously because of the insufficient supply of bread at boon work.⁴¹ The theft of 1294 might have been an extension of the dispute (or, as we will consider later, this might explain further punishment on the part of the abbot in indicting them). The Geres did have charges of work default against them indicating some attack on the abbot's privileges, but no more than any other villagers.⁴² The motivation for the burglary as an attack on the abbot remains a possible but not provable point. The small value of goods stolen eliminates the possibility of its having been a social leveller. On the other hand, the case of three prominent villagers — Robert West of Woodhurst, William West and William Edward — who stole three sheep worth 6*s.* from Nicholas le Porter of Woodhurst,⁴³ a member of a secondary village family, may indicate a process of social and economic levelling. There is a suggestive element of collusion among the three men (Robert West had been a capital pledge and reeve) to attack a lesser villager by taking valuable livestock.

On the whole, the case for prominent villagers using crime for social control can be made more forcefully for homicides. The most striking of these cases occurred in 1332 in Godmanchester. Twenty men of the town, including eleven primary and nine secondary men, killed John de Ravele, a parson in neighboring Huntingdon.⁴⁴ The association in his murder was a distinguished one. For instance, Geoffrey Manipeny was not only one of the wealthiest members of the community but also served as bailiff at the time of the crime. Furthermore, the group was one used to acting together, for they often appeared together in the court rolls of Godmanchester in trespasses, debts and even in marriage settlements. That the attack was premeditated and a collective concern was made obvious in the indictment. William Colyon and Andrew Bonis were indicted for the actual murder while the other eighteen were accused of aiding and abetting it. It is possible that the initial intention had been an assault to convey a warning rather than murder. Such practice was common in eighteenth-century assaults by gangs to discipline a person rather than take him into courts.⁴⁵ In the fourteenth century as in the eighteenth, the discipline could go too far. Neither the gaol

41 Britton, *Broughton*, pp. 370-71.

42 Raftis, 'Concentration of Responsibility', 110-11.

43 P. R. O., Just. 3/24/2 m. 2.

44 P. R. O., Just. 3/136 m. 13d.

45 This information was provided by Professor John Beattie of the University of Toronto who has been working on crime in seventeenth- and eighteenth-century England.

delivery nor the Godmanchester court rolls tell us what John de Ravele did to deserve such severe warning. Very probably this and other attacks on the clergy did not arise out of anti-clerical feelings but from conflicts involving the clergy as landholders, businessmen and the overlords of the villagers. Their interests in the village on all three levels were bound to conflict with those of the prominent villagers.

Secondary villagers would also find themselves at odds with the clergy, as did the nine men who assisted in the Godmanchester murder, but their chief object of attack was their immediate social superiors in the village (five cases) and each other (two cases). The conflict between the primary and secondary village groups is one of the best documented in manorial courts as well as in gaol delivery. Britton has found that in Broughton the conflicts between the two status groups accounted for ninety-three out of 121 cases.⁴⁶ The secondary villagers assaulted, defamed and raised the hue and cry on the prominent villagers more frequently than the opposite.⁴⁷ Thefts from prominent families were undoubtedly motivated in part by the simple fact that they had goods worth stealing. For instance, Laurence Baldwin and John Bernard, his brother, stole two calves from Thomas le Barker who had been a constable in Ramsey before the theft.⁴⁸ The calves were valuable property, but the two brothers may have had other resentments against the former constable. Since secondary villagers did not steal from the clergy (the nine secondary men attacking the church were those who aided in the Godmanchester murder of the parson) but from their immediate superiors in the village, the use of crime as a social weapon to express and further the aggravations between the two groups seems to be indicated. The lower group had cause to resent the dominance of the primary village families because that clique controlled the village offices and juries which extracted fines and labor from them. Since they themselves were seldom selected for one of the powerful positions, they had few formal ways of expressing their resentment. Felony, slander and assaults seemed to have filled the need.

For the intermediate group the church was seldom a target (only one case), but the two groups immediately above them in the village were obvious victims (four from the primary villagers and five from the secondary villagers). For people like Joan Kelenach, who had few chattels, the main village families were prime targets

46 Britton, *Broughton*, p. 247. According to DeWindt, *Holywell*, p. 271, twenty-five members of major families (he lumps the prominent and the secondary families together) committed thirty-seven of seventy-seven acts of violence in the village of Holywell. Seventeen of these were against other members of major families. The manorial data would, of course, exclude attacks of a felonious nature.

47 Britton, *Broughton*, p. 247.

48 P. R. O., Just. 3/25/1 m. 6.

for theft even if the items stolen were only geese. But economic need alone did not determine the crimes of this group. In six cases of murder by intermediate villagers, two victims were primary villagers and four were secondary villagers. This pattern of homicide suggests bitter conflict with the main families which finds expression in direct violence. The homicide pattern of both the primary and secondary groups showed more equal balance between intra- and inter-group homicide.

The comparison of the social status of the victim and the accused, then, indicates a distinct pecking order within the villages and suggests that some of the crimes, certainly some of the homicides, were executed as weapons of social conflict. Leaving the picture as a neat pattern of crimes against the next higher social group would, however, ignore the complexity of inter-village relationships. The single cause explanation for crime fails because of the individuality of human responses. We have already seen that, for the intermediate group, economic necessity could dictate the type of crime and the victims. Individual antisocial tendencies were also responsible for crimes. Thomas of Ipswich, for instance, was accused in 1351 of burning the rector of Ripton's barn. He was released because the jurors found him insane.⁴⁹ In another case the victim was apparently looking for trouble and found it in a tavern fight in 1333. His murderer was pardoned in a plea of self-defense.⁵⁰ John le White of St. Ives, prior to the fatal tavern fight, had a record of five assaults, two of which were in 1328, and had the hue raised against him twice in 1332. He was from a prominent family and his murderer from a secondary family, but probably it was not so much inter-group conflict as the victim's propensity for fighting which led to the homicide. In addition, personal rather than community tensions were at play in intra-familial felonies. While intra-familial homicide was very low in the fourteenth century,⁵¹ there is one outstanding case in Hemingford, the genesis of which can be traced in the manorial courts. The Porthors brothers, John major and John minor, were from a prominent family which had a record of aggressive behavior in the village. An unusual feature of their record was that their assaults, defamations and disputes were with family as well as with villagers. In 1326 the relations between the two brothers had become so strained that one brother raised the hue against another. The sibling rivalry came to a head in 1333 when one brother murdered the other.⁵² (He was convicted and released to the bishop as a clerk.)

49 P. R. O., Just. 3/136 m. 14.

50 P. R. O., Just. 3/24/3 m. 1d.

51 B. Hanawalt Westman, 'The Peasant Family and Crime in Fourteenth-Century England', *The Journal of British Studies* 13 (May 1974) 3-4.

52 P. R. O., Just. 3/24/3 m. 1d.

V. SOCIAL CONTROL

The medieval villages were rough places with a good measure of inter-group tensions and a high concentration of felonies and other anti-social behavior. Aggression, both physical and in pursuing causes in the manorial court, was a normal aspect of village life and played an integral part in the career of every successful villager. But the community could not let its members commit violence without some sort of check or the social situation would have become intolerable. The community had to have some standard of acceptable social behavior and mete out punishment to those who deviated from it. Administration of justice was not, however, a straightforward process of indicting and arresting suspects and bringing them to trial in gaol delivery. The flexibility of the legal definitions of felony and the overlapping systems for the administration of justice, as we discussed earlier in this essay, made it possible for the community to control justice for its own ends. The functioning of social control in the community and the use of law as a weapon will be discussed in this section.

The community had a variety of tools for punishing behavior it considered unacceptable. Either wronged individuals or the jurors could bring infractions of rights and manorial customs to the attention of the manorial court. Even some cases of theft and hamsoken (breaking and entering) could be solved at this level if the goods stolen were under 12*d*. If a fine or awarding of damages to the plaintiff did not solve the problem, the village could take the extreme measure of denying a person the right to live in the village. Joan Kelenach's mother, Elena, was put out of the village of Wistow in 1333 after the theft of a fowl and a record of wrongful gleaning which stretched back to 1309. The manorial court obviously failed to check her, so that a more extreme measure had to be taken. Joan, after a similar record starting in 1334, had the hue raised on her in 1335 and was brought into gaol delivery on three counts of stealing geese. Joan was acquitted but she risked a capital sentence. Gaol delivery was itself a punishing experience because of the expense and the time in gaol waiting trial. What determined for the village community which actions would be considered felonious, who was to be indicted and have to appear in gaol delivery and which of these would hang for their crimes?

The most obvious place to look for explanations of who was punished and in what way is to look at the status of those convicted in gaol delivery. We already know that members of particular status groups were indicted more or less in proportion to their numbers in the village, so that indictment was not used as a punishment for one particular segment of the community. The Huntingdonshire jurors were not particularly hanging juries, for they convicted only 19% of the

accused.⁵³ They were, however, a prejudiced lot who stuck by their own during the trial. Only two of the thirty-four prominent villagers were convicted and six of the thirty-seven secondary villagers, while eight of the eighteen intermediate villagers were convicted. Punishment as well was determined by status. Only one prominent villager was hanged — John Gere who confessed his crime and became an approver. The other prominent villager was a member of the clergy and was released to the bishop. Of the secondary family members convicted three were hanged, two pardoned and one was sent to the pillory for a theft under 12*d*. The intermediate group was treated more harshly — five were hanged, two released because of the low value of goods stolen and one was pardoned.

The tendency to pick on members of another status group is also noticeable in individual appeals such as those by approvers. In 1336 John Gere was accused of stealing in St. Ives five horses worth two marks. He must have been guilty or sure of a hostile jury because he turned approver and made a number of appeals. The Gere family were among the most prominent in Holywell-cum-Needingworth. They had sufficient chattels to pay the 1327 and 1333 lay subsidy, held fairly extensive lands, served as jurors and officials. The only indication of a tendency toward criminality was an outstanding trespass record.⁵⁴ John made a number of appeals in 1336 which were prosecuted in 1337. All the appealed people who were identifiable (three) were from secondary families. The noteworthy one is Nicholas atte Crouch (there is little about him in manorial court — his wife was appealed as well and died before the trial and his daughter was fined for leyrwite twice, trespass and wrongful gleaning) who himself turned approver and appealed a number of prominent villagers including two other Geres, Alexander and Robert, and members of two major village families, the Smiths and the Scots. Nicholas took his revenge by accusing his betters in the usual pattern of the secondary villager and John, true to his prominent background, used the judicial system to get at the lower status group.

Not only was justice biased according to the status of the accused but also according to residence. The jurors convicted 37.5% of the strangers to the village and gave only two of them the benefit of the doubt by declaring them *sine die*. If an outsider committed larceny, he was almost sure to be convicted. The greater number of convictions for strangers might represent some feeling of village unity and xenophobia, but more likely the jurors simply found it easier to condemn to hang people whom they did not know personally. In theft cases involving an outsider, recovery of goods would be difficult, so that this type of property loss had to be discouraged more forcefully than thefts within the village.

53 Of the accused 35% were convicted in Norfolk, 41% in Northamptonshire, and 17% in Yorkshire.

54 DeWindt, *Holywell*, p. 267.

In general, however, the jurors tended to view some types of crimes as more deserving of punishment than others. Robbery and burglary, both of which involved violence, stealth or ambush and often occurred at night, were punished most severely: 37 % of those accused of robbery were convicted, 32 % of those accused of burglary. Larceny was also fairly frequently punished (27 %). These three were, of course, property crimes, and the high percentage of convictions seems to indicate that the jurors placed a high value on property. The predominance of property related actions such as trespass in the manorial courts gives confirmatory evidence for this preoccupation of the jurors. They seemed, however, to have very little concern for the people who received the stolen goods since only 5 % of those accused of receiving were convicted. The low percentage of convictions is probably due in part to the fact that most receiving cases were brought up by approvers, and these usually ended in acquittal. The jurors apparently had little respect for the word of a confessed felon. But the high number of acquittals might be further expected since those appealed for receiving were prominent villagers and the jurors tended to acquit their equals.

Violence to life, homicide, was not punished as strictly as property crimes; only 17 % of the accused were convicted. The greater laxity was not due to difficulties in detecting homicide suspects as opposed to theft suspects because most of the victims and suspects lived in the same village or close to each other.⁵⁵ Instead, it represents the acceptance by the jurors of violence to life and limb. Since some of the homicides could have originated in their status group as assaults meant to punish or warn the victim, the acquittals would be understandable. But the acquittals probably also represent less concern for life than property.

The jurors in gaol delivery exercised considerable selection in punishing the accused and showing their disapproval of certain types of criminal behavior. If they used the law so freely as a weapon against intermediate villagers, outsiders and those committing property crimes, then we may assume that at the indictment level as well the judicial system was a tool of social control. Who was indicted and for what reasons?

One obvious group who would be indicted were people with criminal tendencies who could not otherwise be controlled by the villagers. The Kelenach women are a very good example of the community's having tried and failed to stop them by other means. The expulsion of Elena from the village was without success, for she was back committing similar offenses shortly afterwards. When Joan began her career of petty theft, the community must have been thoroughly tired of the Kelenachs, and Joan was indicted. The manorial court rolls also show that some families, such as the Porthors brothers, had a tendency toward

⁵⁵ Hanawalt, 'Violent Death', 309.

aggression and criminal behavior. Although all the prominent villagers were aggressive, some of those accused of felony seemed unusually prone to violence even by the lax standards of the Ramsey villages. Among the prominent families William Bird of Warboys, who was tried for homicide in 1348,⁵⁶ seems to have come from an exceptionally aggressive family. His own record was a series of trespasses and having the hue raised against him.⁵⁷ Other relatives — Simon, Richard, Michael and Christina — all have long records of hue, assault and theft. Since they were all contemporaries, the village must have had its fill of them.

The secondary families also produced some criminous types. Nicholas atte Welle of Woodhurst and his family had a history of assault, hues, leyrwite and offenses against the lord and their neighbors before Nicholas was indicted for receiving in 1342.⁵⁸ Nicholas atte Crouch, as we have already mentioned, came from a similar family background and Robert Careless of St. Ives, who was charged with burglary and homicide in 1339,⁵⁹ came from a family with a history of assault stretching back to 1300. People such as these strained the village tolerance and had to be prosecuted in a higher court for the sake of control.

One wonders, though, why the jurors indicted so many of the prominent and secondary villagers when they would only be acquitted. The villagers were jointly responsible under pain of fine for reporting to the sheriff's tourn all felonies committed in their village and suspects in the cases. All homicides had to be reported directly to the coroners. The fines for not reporting were not large, but it would have taken joint agreement of at least the prominent families to risk suppressing a case. But there are probably other reasons for indicting the main families, particularly in theft cases which could have been treated in manorial courts as trespasses. Unlike the intermediate villagers, the members of the main village families could not be expelled from the village because they held land there. They could be fined in the manorial court or they could be put through the expense and trouble of gaol delivery. The records give very little hint as to why certain prominent villagers were indicted and others were not. Their records in manorial court look very similar. There are no particular accumulations of trespasses and assaults in the manorial records of most of those indicted compared to those not indicted,⁶⁰ which would indicate a need for using gaol delivery as a warning.

56 P. R. O., Just. 3/134 m. 48.

57 J. A. Raftis, 'An English Village after the Black Death', *Mediaeval Studies* 29 (1967) 164-65 discovered an individual like this in Upwood, namely William Rolf.

58 P. R. O., Just. 3/134 m. 49.

59 P. R. O., Just. 3/24/4 m. 5.

60 Raftis, 'Concentration of Responsibility', 108-15. The typical careers of prominent men from five villages are given there. Of course, there are large gaps in the gaol delivery rolls and it is possible that most of the obstreperous members of the community came into gaol delivery at one time or another.

Perhaps only a close study of the criminal relations in one village, such as Dr. Patricia Hogan is currently preparing, will reveal this type of tension.

The deciding factor of who could be indicted for theft rather than have the case treated as trespass at the manorial level may have been related to the defendant. Since by and large their victims were from the next higher status group, this is a plausible explanation. For instance, it is possible that the four prominent villagers who stole two bushels of grain from the abbot of Ramsey's barn in Broughton had been singled out by the abbot or his officials for special warning. The general strike had occurred only four years before, and the abbot might have been routinely punishing his rebellious tenants through the king's court. No indication is present in the manorial rolls that these four men rather than others should be selected, but they were among the prominent villagers. Unfortunately, no firm answer can be given as to why certain individuals were selected for indictment and not others.

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* * *

The Ramsey Abbey villagers lived in communities where cooperation was essential for economic and social survival but where there were also considerable tensions generated over the possession and distribution of property. While much of the tension was channelled into manorial courts through the process of suits for trespass, defamation, assaults and so on, some of it took the form of felonies and manipulation of the legal system. It is not surprising to find that the prominent and secondary villagers dominated the crime pattern. They were the most numerous in the villages and they had the most vested interests in the property of the village. That this interest sometimes became felonious should be apparent, given the readiness with which they entered into assaults and court cases.

Consider, for example; the case of Ralph le Somet of Thering who killed Richard of Woldeweston in self-defense. Ralph's mother, Christine, had bought a cow from Richard in the town of Thering. When she did not pay the 20s. owed to him, Richard tried to repossess the cow. Ralph resisted this forceful effort and Richard attacked him with a sword. Ralph killed him in self-defense and was pardoned by the king.⁶¹ While Richard and Ralph may have been of the same status group, the most common pattern was for the accused to select a victim who was a local resident and of a higher social status. Thus there was a punitive element in this pecking order which reflected the tensions within the villages.

The attitude of conflict between the status groups carried over into the administration of justice as well. The indicting juries and the trial juries were

⁶¹ P. R. O., Just. 3/24/1 m. 2.

dominated by the prominent villagers from the district where the crime occurred. In their exalted position of holding sway over the lives of fellow villagers, they executed their trust with prejudice. Primary and secondary villagers were indicted in large number but were seldom convicted and even less frequently hanged.

The intermediate villagers, though they appeared in fewer numbers, could not expect such lenient treatment from their social superiors. Outsiders who came into the village, especially if they committed larceny, were more likely than any group to be convicted even if they were prominent villagers themselves in another village. In general, the propertied jurors tended to regard crimes against property as more deserving of punishment than homicides. Crime, then, could have been a weapon in social conflict which any status group in the village could wield, but the use of the system of criminal justice as a weapon of social control was, aside from individual appeals, the prerogative of the prominent villagers.

The use of conflict theory for both an explanation of the felon's choice of victims and the administration of criminal justice on the local level is fairly new, and it is often difficult to find situations in which it can be investigated. The Ramsey village materials provided a unique opportunity because both the crime patterns and the intra-village relationships could be studied and compared. It was, therefore, possible to know the status in the village of those who were responsible for administering justice, those who committed crimes and those who became victims. The tensions which appeared in the crime and punishment relationships could be observed in other types of interactions between the villagers. The technique explored in this paper might be profitably employed for investigating the validity of the application of conflict theory to other historical settings and to modern communities as well.

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THE INFLUENCE OF LYDGATE'S *FALL OF PRINCES*
c. 1440-1559: A SURVEY

A. S. G. Edwards

I

NO adequate assessment exists of the importance and influence of John Lydgate's *Fall of Princes* in late medieval England.¹ This study is therefore an attempt to bring together certain indications of the poem's significance and discuss their implications. The preliminary nature of the work should perhaps be stressed. Chronologically it is limited, for reasons that will become clear, mainly to the period ending with the publication of the *Mirror for Magistrates* (1559). Even within this period the evidence cited is usually representative rather than exhaustive. But although such evidence is often fragmentary and of limited force in its separate components, it does in sum achieve meaningful forms. It will be possible to indicate more precisely than has hitherto been the case that Lydgate's poem did occupy a very definite niche in English cultural history during the hundred or so years after its completion.

It may be useful at the outset to recall the circumstances of the composition of the *Fall of Princes*. It was composed in the 1430's — it was probably begun c. 1432 and completed c. 1438 — at the behest and at least partly under the patronage of Humphrey, duke of Gloucester.² The work itself is not a direct

1 Throughout this study all references to the *Fall of Princes*, ed. H. Bergen (EETS, ES 121-124; London, 1924) will be cited by book and line. The last volume of this edition, ES 124 (London, 1927) containing manuscript descriptions, notes and glossary, is cited as 'Bergen' by page number. The only attempt at a similar study is H. G. Wright's *Boccaccio in England from Chaucer to Tennyson* (London, 1957), pp. 5-28 which is chiefly a description of Lydgate's poem. There are useful brief discussions in W. F. Schirmer, 'The Importance of the 15th Century for the English Renaissance with Special Reference to Lydgate' in C. L. Wrenn and G. Bullough, eds., *English Studies Today* (London, 1951), pp. 104-10 and D. Pearsall, *John Lydgate* (London, 1970), pp. 251-52. Also useful is W. Farnham, *The Medieval Heritage of Elizabethan Tragedy* (Oxford, 1936), although limited by its failure to differentiate clearly the probable influence of Lydgate from the possible influence of Boccaccio's *De casibus*. I am indebted to all these works.

2 For an account of the decline in the relationship between Lydgate and Humphrey see E. P. Hammond, 'Poet and Patron in the *Fall of Princes* ...', *Anglia* 38 (1914) 121-36; her views have been modified by J. Norton-Smith, *John Lydgate: Poems* (Oxford, 1966), pp. 114-15. Aspects of Humphrey's direct influence are dealt with in E. P. Hammond, 'Lydgate and Coluccio Salutati', *Modern Philology* 25 (1927) 49-57.

translation of Boccaccio's Latin original, the *De casibus virorum illustrium*, but derives from Laurent de Premierfait's second French prose translation of that work completed c. 1414. Laurent's very popular translation had already introduced extensive alterations to the Latin, expanding and modifying it until it was three times the length of the original and reduced to a formless amalgam of the encyclopedia and the chronicle. It was Lydgate's achievement to give this shapeless source poetic form, ranging over a panorama of tragedy from Adam and Eve to the death of King John of France. His own modifications cannot be discussed in detail here.³ For the present purposes it will be sufficient to note that he was no mere slavish translator, but that he deleted, revised and added to his immediate source to satisfy his own — and his patron's — conception of the work. Of these alterations only one requires particular comment. At Humphrey's request Lydgate made a formal change: he added to parts of his narrative 'Envoys' offering commentary on various tragedies seeking to point out didactically the moral implications of particular parts of the narrative to the reader. These 'Envoys' were to prove of some importance in the subsequent understanding of Lydgate's relationship to 'Bochas' and the ultimate Latin source of the *Fall*. I will return to this point. For the present it is sufficient to note that the overall effect of Lydgate's changes to his immediate source was to create a work distinct in form and content from Boccaccio's or Laurent's.

There is no convincing evidence, however, that Lydgate had direct access to Boccaccio's Latin original.⁴ It seems necessary, as a preliminary to evaluating the poem's influence, to speculate on the probable direct knowledge (and hence influence) of the Latin *De casibus* in medieval England. This whole question of the *direct* influence of the *De casibus* in England is not one which has been faced squarely, perhaps because the enormous popularity of the work throughout Europe has led to the unexamined assumption that it enjoyed similar popularity in England. As it is, apart from translations, the *De casibus* survives in at least

3 On Laurent's translations see P. M. Gathercole, 'Two Old French Translations of Boccaccio's *De casibus virorum illustrium*', *Modern Language Quarterly* 17 (1956) 304-9; and her 'The Manuscripts of Laurent de Premierfait's *Du cas des nobles*', *Italica* 32 (1955) 14-21.

For accounts of Laurent's alterations to his source see F. A. Smith, 'Laurent de Premierfait's French Version of the *De casibus virorum illustrium* ...', *Revue de littérature comparée* 14 (1934) 512-26, and P. M. Gathercole, 'Laurent de Premierfait: The Translator of Boccaccio's *De casibus virorum illustrium*', *French Review* 27 (1953-54) 245-52.

No adequate account exists of Lydgate's changes to Laurent; see the limited and unconvincing examination by Gathercole in 'Lydgate's *Fall of Princes* and the French Version of Boccaccio's *De casibus*' in F. Simone, ed., *Miscellanea di studi e ricerche sul Quattrocento francese* (Turin, 1966), pp. 167-78.

4 Cf. Pearsall, *John Lydgate*, p. 233: '... there is no evidence that [Lydgate] ever saw anything but Laurent's translation.'

eighty-two manuscripts and numerous European printed editions before 1600.⁵ But its availability in England seems to have been a different matter.

There are indeed few indications that the *De casibus* was known at all in England before Lydgate's translation. To the best of my knowledge no copies are recorded on book lists or library catalogues of the fourteenth century, and the indications of its literary influence are slight. Chaucer's use of the work as a source for his *Monk's Tale* has been seriously questioned and there are no conclusive borrowings in the *Legend of Good Women*.⁶ And whilst it has been argued that the *De casibus* may have provided the source for a brief passage in the Prologue to Gower's *Confessio amantis*, the arguments remain inconclusive.⁷ Nor do any other writers appear to demonstrate any acquaintance with it. Indeed, there seems very little in the literature of the period to suggest any knowledge other than the most superficial of Boccaccio's work in fourteenth-century England.

But it is clear that some manuscripts of the *De casibus* were circulating there during the fifteenth century. An examination of those which survive does suggest certain probabilities regarding the influence of the Latin text.

Eight manuscripts of the *De casibus* are now extant in English libraries.⁸ One, British Library MS. Harley 3565, can be immediately dismissed from consideration since it did not enter England until the mid-eighteenth century.⁹ Of the other manuscripts, three contain only brief selections: Cambridge U.L. MS. Ff. V. 42, a sixteenth-century miscellany, includes a single leaf (fol. 85) from book 9; Laud Misc. 721, written in 1454, contains a short extract (fols. 337-339) also from book 9; and Trinity College Cambridge MS. 0.3.46 consists of

5 For details of the manuscripts of the *De casibus* see V. Branca, *Tradizione delle opere di Giovanni Boccaccio* 1 (Rome, 1958), pp. 84-91; for details of printed editions see A. Hortis, *Studi sulle opere latine del Boccaccio* (Trieste, 1879).

6 See P. Aiken, 'Vincent of Beauvais and Chaucer's *Monk's Tale*', *Speculum* 17 (1942) 56-68, who argues that details normally attributed to the *De casibus* come from Vincent of Beauvais' *Speculum historiale*; see also D. R. Johnson, 'The Biblical Characters of Chaucer's *Monk*', *Publications of the Modern Language Association* 66 (1951) 827-43. For a general survey of Chaucer's sources see F. N. Robinson, ed., *The Works of Geoffrey Chaucer*, 2nd ed. (Boston, 1957), p. 840, who concludes that he may have been indebted to Boccaccio for the 'general conception' of his work. But the conception is so general as not to exclude the possibility of other sources; see R. W. Babcock, 'The Medieval Setting of Chaucer's *Monk's Tale*', *Publications of the Modern Language Association* 46 (1931) 205-13.

7 C. L. Regan, 'John Gower and the Fall of Babylon: *Confessio amantis*, Prol. lines 670-686', *English Language Notes* 7 (1969) 85-92; Regan's comments on the circulation of *De casibus* manuscripts must, for instance, be qualified by my own comments below.

8 According to Branca, *Tradizione*, pp. 84-91. I have been unable to trace the missing manuscript, olim Phillipps 1091 which he records (p. 91).

9 See C. E. and R. C. Wright, eds., *The Diary of Humphrey Wanley* 1 (London, 1966), p. 194 n. 8.

the text of books 1-3 and the first twelve chapters of book 4 only — it was clearly never intended that the manuscript should include more.¹⁰

There survive, therefore, only four manuscripts of Boccaccio that would have revealed his finished design to a contemporary audience. Three of these, all in Oxford college libraries, seem remarkably similar in their histories. Lincoln College 32 was owned by Robert Flemmyng (d. 1483) and was certainly donated to the college by 1474, if not earlier.¹¹ New College 263 was owned by John Russell, bishop of Lincoln, and given to the college with other of his manuscripts in 1482.¹² Magdalen 198 was owned by William Botoner, passing from his possession into the college library.¹³ The final manuscript, Cambridge U.L. MS. Ll. II. 8, has an obscure provenance before 1714, when it was acquired by George I with the library of John Moore, bishop of Ely, and presented to the University.

Certain provisional conclusions can be adduced from these copies. They appear to suggest by their provenances a lack both of circulation and of broad appeal. As might be expected with a work of such length it enjoyed some circulation — but apparently a small one — in florilegia. Three of the four complete copies show a uniformity in the history of their circulation. All were originally acquired by scholar/antiquarians, who were collectors of humanist texts, and all appear to have been secure in college libraries by the last quarter of the fifteenth century. It seems likely that at least two of the manuscripts were acquired abroad; both Russell and Flemmyng travelled in Europe and brought back manuscript collections to England. There does not appear to have been an English scribal tradition for the work. All in all, the evidence of the surviving manuscripts suggests that the *De casibus* was a work enjoying a limited academic circulation in England, possessing little general popularity.

It may of course be objected that the extant manuscripts give a distorted picture of the probable English influence of the Latin *De casibus* since they are the ones which by the very nature of their locations are the most likely to survive. This is undeniably true, but controverting or supplementary evidence is hard to

10 See *Catalogue of Manuscripts in the Library of the University of Cambridge* 3 (Cambridge, 1867), p. 500; H. O. Coxe, *Catalogi codicum manuscriptorum Bibliothecae Bodleianae ...* 2.1 (Oxford, 1858) 512-13; M. R. James, *A Catalogue of the Western Manuscripts in Trinity College, Cambridge* 3 (Cambridge, 1902), pp. 229-30 (the text ends at the top of the recto of the last leaf — the rest of both recto and verso are completely blank).

11 R. Weiss, 'The Earliest Catalogues of the Library of Lincoln College', *Bodleian Quarterly Record* 8 (1935-8) 349.

12 A. B. Emden, *A Biographical Register of the University of Oxford to A.D. 1500* 3 (Oxford, 1959), p. 1610.

13 There are clear connections between Botoner and William Waynfleet, the founder of Magdalen, through Worcester's patron Sir John Fastolfe.

find.¹⁴ My own searches of fifteenth- and sixteenth-century wills and book lists have noticed only one additional manuscript copy of the Latin. Tantalizingly in the present circumstances it is Humphrey of Gloucester's own, which he gave to Oxford in 1443 and which has since disappeared.¹⁵ While an *argumentum ex silentio* properly invites suspicion, it may in this case not be far from the truth. Whereas in Europe knowledge of Boccaccio's original may well have co-existed with its vernacular translations, there is little indication that this was the case in England. Knowledge of the Latin seems to have been confined — it was never in any sense a popular work. No printed edition of the Latin was ever produced in England. The lack does not appear to have been felt in educated circles.¹⁶ And the significance of Lydgate's *Fall of Princes* increases with an appreciation of the fact that it was probably the only accessible form in which readers were able to study the *De casibus*, even if they were capable or desirous of studying the Latin original. It seems quite likely that for an English audience the *Fall of Princes* and the *De casibus* were perforce synonymous, even though they were significantly different works.

II

An obvious factor in the lack of popularity of the Latin was the availability of Lydgate's translation. In contrast to the evidence afforded by the manuscripts of Boccaccio's Latin, there are many indications that the *Fall of Princes* enjoyed a wide and varied circulation. Much work remains to be done on the provenance of the *Fall* manuscripts; but sufficient is already clear to make certain tentative conclusions permissible.

There are extant thirty-six manuscripts or independent fragments of manuscripts of Lydgate's poem.¹⁷ If one accepts that the number of surviving

14 No further copies are recorded, for example, in R. H. Bartle's useful *Study of Private Book Collections in England between ca. 1200 and the Early Years of the 16th Century ...* (unpublished B. Litt. Thesis, Oxford, 1956), or in N. R. Ker's *Medieval Libraries of Great Britain*, 2nd ed. (London, 1964), or in any of the numerous catalogues and book lists I have examined. One copy did briefly enter England, namely, that owned by Charles d'Orléans, who requested the copy from his library whilst prisoner in England in 1417. But the manuscript returned with him to France; see P. Champion, *La librairie de Charles d'Orléans* (Paris, 1910), p. xxxix.

15 *Munimenta academica*, ed. H. Anstey (RS 50, 2; London, 1868), p. 770.

16 I have been able to trace few copies of printed editions of the Latin in English libraries. One such apparent rarity is the copy owned by Henry, Lord Stafford (1501-63) who had a Berne (1539) printing; see A. H. Anderson, 'The Books and Interests of Henry, Lord Stafford', *The Library*, 5th Ser., 21 (1966) 102.

17 For somewhat confused accounts of the existing manuscripts see C. Brown and R. H. Robbins, *The Index of Middle English Verse* (New York, 1943) and R. H. Robbins and J. L. Cutler, *A Supplement to the Index ...* (Lexington, Ky., 1965). These may be supplemented by my own, 'A

manuscripts and of those known to have existed is a valid guide to the popularity of a work, then the appeal of Lydgate's poem is manifest. This appeal seems to have been broadly based, not restricted to any group or class. The owners and readers of the work reflect a surprisingly broad social spectrum.

Predictably, a number of copies of the *Fall* were commissioned or owned by nobility. John Tiptoft, earl of Worcester (d. 1470) and Henry Percy, fourth earl of Northumberland (d. 1489), both possessed copies — now British Library MSS. Royal 18 D. iv and v respectively. And Edward Sutton, sixth Baron Dudley (d. 1510) has left his autograph in British Library MS. Add. 21410. Lady Margaret Beaufort, countess of Richmond and mother of Henry VII, owned 'a greate volume of velom named John Bokas lymned'. Edward Stanley, Lord Monteagle (d. 1523) had a 'parchement book in English called Bocas'¹⁸ — very probably a copy of the *Fall*. Other copies appear to have been felt to be fitting gifts on the inter-marrying of noble families.¹⁹ Indeed, it seems often to have been a valued work in the libraries of families of distinction.

But the poem had an audience among other estates. A number of copies were in clerical hands. British Library MS. Sloane 4031 once belonged to Battle Abbey.²⁰ Lambeth Palace MS. 254 was possibly formerly in Lanthony Priory.²¹ And an inventory of Exeter Cathedral in 1506 contains only one vernacular work, a 'Bocas in sermone Anglico'.²² At least one priest had his personal copy: Richard Lincoln, rector of Rayleigh, Essex, bequeathed in 1492 'librum quod intitatur Bochas de casu principum, in nostrum vulgarem translatum'.²³ Untypically, the *Fall* seems to have been regarded as a suitable contemporary non-devotional vernacular work for religious reading.

Individual bibliophiles and collectors also seem to have valued the work. William Drury, whose family owned the Ellesmere Chaucer, was bequeathed by his father in 1494 'ij Inglyshe books called Bochas of Lydgat's making'.²⁴

Missing Leaf from the Plimpton *Fall of Princes*, *Manuscripta* 15 (1971) 29-31; 'The Huntington *Fall of Princes* and Sloane 2452', *ibid.* 16 (1972) 37-40; 'Fall of Princes', *Times Literary Supplement*, 5 May 1972, 522; and 'The McGill Fragment of Lydgate's *Fall of Princes*', *Scriptorium* 28 (1974) 75-77.

18 E. M. G. Routh, *Lady Margaret* (Oxford, 1924), p. 103 and J. Brewer et al., eds., *Letters and Papers ... of the Reign of Henry VIII*, 21 vols. (London, 1862-1910), 3.2.853 no. 1989. I owe these last two references to the kindness of Dr. A. I. Doyle.

19 Examples are the Rutland and Pierpont Morgan MSS.; see Bergen, pp. 14, 85-86.

20 Ker, *Medieval Libraries*, p. 8.

21 Bergen, p. 68.

22 G. Oliver, *Lives of the Bishops of Exeter* (Exeter, 1861), app. 3, p. 371.

23 *Transactions of the Essex Archaeological Society* 5 (1873) 290.

24 *Wills and Inventories from the Register of Bury St. Edmunds*, ed. S. Tymms (London, 1850), p. 246.

William Knoyell bequeathed to his son in 1501 'a book called Bocas' which was probably Lydgate's poem — Knoyell's interest in vernacular literature is evidenced by the simultaneous bequest of a manuscript of the *Canterbury Tales*.²⁵ Scribbled notes and signatures as yet unidentified in many manuscripts bear witness to the range of the poem's audience in the fifteenth and sixteenth centuries.

The enduring strength of this popularity is indicated by the four printed editions that appeared between 1494 and 1555, extending still further the range of this audience. Pynson, for example, felt justified in printing 600 copies of his edition of the *Fall*.²⁶ And copies of these editions appear in private libraries and booksellers' stock, and provide still further indications of the poem's broad appeal.²⁷ It seems clear that in both manuscript and printed form the *Fall of Princes* was a popular and widely read work during the hundred years after its completion.

But why was the *Fall* so popular? It seems necessary to define more precisely the reasons for the poem's continuing appeal, and establish the basis of its popularity. There is predictably no simple answer. Certain aspects of the work itself do suggest possible reasons. Doubtless its didactic, exemplary nature, presenting a historical continuum of human sin and its consequences, made it acceptable reading matter for religious. The manuscripts themselves, moreover, indirectly suggest certain perspectives on the *Fall*. One signal curiosity is the surprisingly small number containing miniatures. Apart from the two texts of the 'early' recension represented by Harley 1766 and McGill 143,²⁸ only three others (Bodleian 263, Rosenbach 439/16 and Huntington HM 268) contain any miniatures at all, and only Huntington contains any number. In contrast to some of the sumptuously decorated manuscripts of the French versions, the English version of the *De casibus* seems to have had an appeal based on content rather than decoration. Manuscripts of the *Fall of Princes* seem in general to have been made to be read, not to be looked at. And certainly there is revealing evidence of the engagement of early owners and copyists with Lydgate's work and of their

25 J. M. Manly and E. Rickert, *The Text of the Canterbury Tales*, 8 vols. (Chicago, 1940), 1.614.

26 There are editions by Pynson (1494 and 1527), Tottel (1554) and Wayland (?1555); for details see Bergen, pp. 106-23. See also H. R. Plomer, 'Two Lawsuits of Richard Pynson', *The Library* N.S. 10 (1909) 126.

27 e.g. (from a number), the copies owned by Sir William More and Roger Ward; see J. Evans, 'Extracts from the Private Account Book of Sir William More', *Archaeologia* 36 (1855) 290, and A. Rodger, 'Roger Ward's Shrewsbury Stock: An Inventory of 1585', *The Library*, 5th Ser., 13 (1958) 250.

28 For discussion of this recension see my 'The McGill Fragment of Lydgate's *Fall of Princes*', *Scriptorium* 28 (1974) 75-77.

apparent willingness to relate what they had read to their own or to contemporary experience.²⁹

It is, however, possible to define the nature of the appeal of the *Fall* more precisely. The perspectives afforded by the complete manuscripts can be supplemented by the nearly forty additional ones which contain selections from Lydgate's poem.³⁰ These selections provide indications of the kind of passages from the *Fall* which made the greatest impression on contemporary audiences. By their number they confirm the interest in the actual content of the poem indicated by the complete texts. But the aspects of the content which interested these audiences are startling. It would seem that in certain respects Boccaccio's original historical materials were of subordinate importance to English readers. Few of the selections show any concern with the actual matter of historical tragedy which Lydgate has translated. Indeed, only five manuscripts contain any selections of any length from the narrative parts of the *Fall*. It is rather Lydgate's own sententious generalities that seem to have struck a sympathetic note with his readers. The great majority of the selections consist of passages of moral commentary or didactic injunction added in his translation. Particularly prominent are selections from Lydgate's innovation, his *Envoys*, which seem often readily to have achieved the status of separate poems, silently excerpted from the larger work.

Certain of these *Envoys* seem to have been especially popular. For example, the sonorous reflections on mutability (2.4460-4586) are extant in six manuscripts; and the admonitions against lechery (3.1569-1638) occur in eight. One stanza (2.4432-8) appears separately in eleven copies. But the variety of the selections in general bears witness to the independent care with which the *Fall* was read, whilst confirming the attraction of the *Envoy* material. Although confined to the earlier books (1-6) where the bulk of the *Envoys* occur, the selections range widely among them, often selecting and copying sequentially material separated by thousands of lines in the complete text. Indeed, as I have pointed out elsewhere, the selections testify to 'the paradox that the centuries that saw Lydgate's poem as synonymous with "Bochas" ... found the most appealing

29 Thus in Harley 4197 (fol. 73v) a sixteenth-century hand has written opposite 3.4019-60 (*Envoy on the Vice of Tyranny*): 'Kardinall Wolsey yoused this theame to the Duke of Suff[olk] when he was in th[e] kinges displeas[ur]' (see Bergen, p. 55); in Harley 4011 a passage from book 3 is seen in relation to the death of Humphrey, duke of Gloucester as the heading suggests (fol. 1v): 'Lenvoye to Humfray, late Duke of Glowceter ...'; and Harley 2251 bears frequent indications of the scribe's disagreement with the materials he was copying from the *Fall* — see my 'John Lydgate, Medieval Antifeminism and Harley 2251', *Annuaire medievale* 14 (1973) 32-44.

30 These selections are listed in my 'Selections from Lydgate's *Fall of Princes*: A Checklist', *The Library*, 5th Ser., 26 (1971) 337-42. Full documentation for the assertions made in the following paragraphs will be found there.

passages to be those added by Lydgate'.³¹ It does seem clear that for a number of readers in the fifteenth and sixteenth centuries, the interest of the *De casibus*, as rendered by Lydgate, lay not in the presentation in vernacular form of any materials that could be termed 'humanistic',³² but rather in the 'sentence' of Lydgate's own invention.

It is, of course, unsurprising that the *De casibus* should be more popular in translation than in the original. But what is remarkable is both the degree and the nature of the popularity that the *Fall of Princes* seems to have enjoyed. It seems to have possessed a broad based contemporary appeal. In contrast to the apparently limited and restricted circulation of the Latin, Lydgate's poem survives in nearly eighty manuscripts; and the various forms in which it appears provide indications of the diverse tastes which responded to it, tastes which often seem to have been attracted by specifically Lydgatean aspects of the translation.

III

With these perspectives it is useful to look at some of the ways in which Lydgate's *Fall of Princes* was perceived and utilized in late medieval literature. The work seems to have engendered a variety of responses in the writers who studied it. Although they may seem in isolation often of limited significance, they do, when considered in the light of the poem's audience, help to suggest a range of literary familiarity with the *Fall* that has not been clearly perceived.

In certain respects the indications of the literary influence of the *Fall* do much to confirm my earlier conclusions. Thus, although the popularity of the poem is based to some extent on features of the work which differ in important respects from those of the original 'Bochas', there seems to have been little awareness of any significant differentiation between the two. There are, for example, a number of allusions to 'Bochas' among works of the period in contexts which might seem initially to refer to the *De casibus*. Yet examination of the more explicit of these allusions suggests the distinct probability that they have the *Fall of Princes* in mind. Several indicate their true source by echoing the title of Lydgate's rather than Boccaccio's work. Barclay in his *Ship of Fools* exhorts:

Ouer rede Bochas and than shalt thou se playne
The fall of princes wryten ryght compendiously
There shalt thou se what punysshement and payne
Haue to them fallen, somtyme by theyr foly ...³³

³¹ *ibid.*, p. 338.

³² As is implied by A. Renour, for example, in his *The Poetry of John Lydgate* (London, 1967), especially pp. 67, 71-72.

³³ Ed. T. H. Jamieson, 1 (Edinburgh, 1874), p. 189.

An anonymous historical poem of the sixteenth century alludes to the same authority:

Wee nede not nowe to seke the croniclez olde
 off the romans, nor bockas tragedye,
 to rede the ruyen & fallys manyffolde
 off prynces grett, putt to dethe & miserye
 In sondry landes ...³⁴

Even late in the century Robert Sempill in his *Complaint vpon fortoun* (c. 1581) notes that:

The worthie Bocas, in his morall buke,
 The Fall of Princes plainly dois compyle
 Amongs them all quha euer lykes to luke
 Sall finde Dame Fortounis fauour for a quhyle;
 For with the one eye sho can lauch and smyle,
 And with the vther lurke and play the loun ...³⁵

Such citations reveal little real knowledge of either work. 'Bochas' is cited as an authority whose name requires little supplementary explanation. But although the allusive nature of the citations implies a familiarity with the *Fall*, the familiarity seems limited to a knowledge of Boccaccio as a stock source for illustrations of the movement of Fortune's wheel. But such allusiveness does of course imply an assumed familiarity with the work, however generalized it may be.

Other citations reveal, often circumstantially, a more specific knowledge of the *Fall*. A sixteenth-century lyric in MS. Ashmole 48 begins:

In bocas an guydo I rede and fynde
 Thatt wemen of verray nature and kynde
 be subtyll and vnstedefast of mynde ...³⁶

The conjunction of 'bocas an guydo [i.e. Guido della Colonna's *Historia destructionis Troiae*]' can scarcely be fortuitous: they represent respectively the ultimate sources of Lydgate's major works, the *Fall* and the *Troy Book*. And their citation in an anti-feminist context clearly reveals an acquaintance with the *Fall* as a popular source book for satire against women.³⁷ Again, Caxton in his Prologue to

34 R. H. Robbins, ed., *Historical Poems of the XIVth and XVth Centuries* (New York, 1959), p. 184.

35 *The Sempill Ballates* ..., ed. T. G. Stevenson (Edinburgh, 1872), pp. 189-95.

36 *Songs and Ballads ... Chiefly of the Reign of Philip and Mary*, ed. T. Wright (London, 1860), p. 163.

37 On this aspect of the *Fall of Princes* see especially F. L. Utey, *The Crooked Rib* (Columbus, 1944) and my 'John Lydgate, Medieval Antifeminism and Harley 2251' (n. 29, above).

Le morte d'Arthur (1485) lists among the sources for the historiography of Arthur '... thystorie of bochas of his book de casu principum'³⁸ Caxton's Latin is of course the title of Lydgate's, not Boccaccio's, work. And whilst it seems improbable that Caxton would have troubled to mention Boccaccio's very summary treatment of Arthur, he might well have had occasion to examine Lydgate's extended account (8.2661-3206).

The tendency of all these passages is clear. They demonstrate once again the lack of direct knowledge of the *De casibus* and the extent to which the *Fall of Princes* was accepted as synonymous with it, to the extent that certain distinctively Lydgatean features came to be attributed to 'Bochas'. But the view of Lydgate as the faithful translator of Boccaccio seems to have been a generally held one. Hawes, for instance, in his *Pastime of Pleasure*, appears to view the *Fall* as an accurate rendering of Boccaccio:

Of the fall of prynces, so ryght wofully
Hé dyde endyte, in all pytous wyse
Folowyng his auctour, Bocas rufully ...³⁹

Higgins has Julius Caesar make substantially the same point in his additions to the *Mirror for Magistrates* (1587):

Although by *Bocas* I haue whilom told my mind
And *Lydgate* haue translated wel the same ...⁴⁰

The equation between the works was a firm one.

Less apparent perhaps are the ways in which various specific fragments of the *Fall* appear to have achieved a surprisingly wide general currency. Indeed, it seems that on one occasion a part of the poem may have achieved the popularity of an oral tradition. As I noted above, one stanza (2.4432-8) occurs in at least eleven different versions. A number of these versions appear in informal contexts — scribbled for instance in margins or on flyleaves in non-scribal hands.⁴¹ This informality suggests an appeal based on memorial rather than scribal transmission. Certainly the pithy dicta of this stanza ('Deceit decyueth and shal be deceyued ...') may have led to a memorial tradition. And there is at least one further indication that the *Fall* may, in particular instances, have come to enjoy an impersonal, proverbial authority. There are two rhyme royal stanzas in British

³⁸ *The Prologues and Epilogues of William Caxton*, ed. W. J. Crotch (EETS, OS 176; London, 1928), p. 93.

³⁹ Ed. W. E. Mead (EETS, OS 173; London, 1928), lines 1345-47.

⁴⁰ *Parts Added to the Mirror for Magistrates by John Higgins and Thomas Blenerhasset*, ed. L. B. Campbell (Cambridge, 1948), p. 290.

⁴¹ R. H. Robbins, *Secular Lyrics of the XIVth and XVth Centuries* (Oxford, 1952), p. xxxi.

Library MS. Royal 17 D. xviii (fol. 1v) which have as their refrain the line 'slyppur is to grype ouer whom is no holde', a dictum which is described as a 'prouerb olde'.⁴² The 'prouerb' is actually an appropriation from 4.2874 of the *Fall*. The aphoristic nature of parts of Lydgate's poem doubtless extended, albeit in a selected or fragmented form, the range of its audience. Certainly de Worde felt there was a market for an edition of *Prouerbes* (1519) from it. Lydgate's sententious commonplaces on occasions appear (like the selections) to have achieved a status separate from the complete poem.

But the work was approached in a variety of other ways. One of the earliest indication of any engagement with it occurs in *Peter Idley's Instructions to His Son* (written c. 1445-50). Idley introduces borrowings from the *Fall* into the second book of his work to supplement his more extensive appropriations from Mannyng's *Handlyng Synne*. Mannyng's work provides the main narrative thread of Idley's poem and is generally followed sequentially. Lydgate is utilized in a less straightforward manner. But Idley's borrowings from the *Fall* total nearly 350 lines (all from the first three books)⁴³ and certain tendencies are discernible in his use of this material. Most striking is the general exclusion of any materials from particular historical narratives. The only exceptions to this are in Idley's account of lechery where commentary from Lydgate's complaints of princely immorality is twice added to supplement and elaborate on Mannyng (*I.S.* 2.2535-2604, 2661-2716). Virtually all the borrowings consist of Lydgate's characteristic generalizing sententia. Indeed, Idley's use of the *Fall* tends to confirm once again the tendencies of the selections. Any material that would suggest particular aspects of his historical narrative is ignored. Lydgate's own homiletic materials are emphasized to the exclusion of the actual historical materials Lydgate made available. Idley's borrowings show a clear lack of interest in the structure of the *Fall*; for him it is a series of isolable didactic precepts to be appropriated as applicable. Idley has clearly read the *Fall* with care: he ranges among the early books with evident familiarity. But his response remains a fragmented one. The work formed, for him, part of an ongoing tradition of medieval didactic verse in which it was indistinguishable from *Handlyng Synne*.

Idley's vision of the *Fall of Princes* is an uncomplicated one. It is for him analogous to a medieval preacher's book from which he borrows as appropriate.

42 I have edited these stanzas in *Neuphilologische Mitteilungen* 74 (1973) 126-27. The correct attribution of this proverb is not noted in B. J. and H. W. Whiting, eds., *Proverbs, Sentences and Proverbial Phrases ... before 1500* (Cambridge, Mass., 1968), G 470.

43 For details see C. d'Evelyn, ed., *Peter Idley's Instructions to His Son* (Boston, 1935), especially pp. 49-50. All references to Idley's text are to this edition, which is cited by book and line in the text as *I.S.*

A curious instance somewhat later in the fifteenth century indicates a wider grasp of the historical and moral scope of the work. Trinity College, Cambridge MS. R.3.19 contains a copy of Chaucer's *Monk's Tale*. But the copyist has chosen to supplement Chaucer with Lydgate. The Monk's tragedies are preceded by Lydgate's own account of Adam and Eve (1.469-1001), and followed by various Envoys from books 1-3. The motive for the conjunction of the two works merits speculation. Apart from the obvious similarities of form and subject matter, it suggests dissatisfaction with the Monk's presentation of historical tragedy. It also implies a felt need to offset this dissatisfaction by placing the tale within a different context of Christian history and moral precept. As a critic of the *Monk's Tale* the Trinity redactor merits some attention. He perceives the Monk's perfunctory and superficial view of human tragedy, even though he does not perceive the irony of Chaucer's design — the relationship that is between the moral inadequacy of the Monk's tragedies and the moral inadequacy of the Monk himself. In effect, Chaucer is approached through Lydgate and located within the established causal relationship between human conduct and its consequences in historical tragedy that he provides. Aesthetically, the design may seem bizarre; morally, it lessens the incomprehensibility of the Monk's insistence on the arbitrary irrational power of Fortune. His perfunctory accounts of the movement of Fortune's wheel are supplemented by Lydgate's explications of the reasons for man's susceptibility to Fortune. Thus the redactor elaborates, through Lydgate, the ultimate cause of human sin, the fall of Adam and Eve, and explores various specific reasons for human folly in the Envoys he adds after the tale. As with Idley, the Trinity redactor's perception of the *Fall* is a moral one; but in this case morality is linked to a perceived design of historical tragedy with its causes in defined human shortcomings, not simply to an unrelated sequence of isolable precepts.

Other writers seem to have been indebted to Lydgate as a source for the historiography of tragedy. John Hardyng in his metrical *Chronicle* (c. 1460) refers to 'Bochas' and his examples of those who '... through pride/Be cast downe from all their dignitees' in a stanza containing echoes from the *Fall*. Lydgate's poem may have been a source for parts of Hardyng's work.⁴⁴ David Lyndesay also cites 'Ihone Bochas' when he clearly has the *Fall of Princes* in mind in his *Tragedye of ... Father Daid ... Cardinal Archibyschope of Sanct-androus* (?1548):

Nocht Lang ago, efter the hour of pryme,
Secretly sitting in myne Oratorie,

⁴⁴ *The Chronicle of John Hardyng*, ed. H. Ellis (London, 1812), pp. 181-82. I plan to examine Hardyng's use of the *Fall of Princes* in a subsequent study.

I tuk ana Buke, — tyll occupye the tyme, —
 Quhare I fand mony Tragedie and storie, —
 Quhilk Ihone Bochas had put in memorie, —
 Quhov mony Prencis, Conquerouris, and kingis
 War dulfullie deposit frome thare ryngis:
 Quhov Alexander, the potent Conquerour,
 In Babilone was poysonit pieteouslylie;
 And Iulius, the mychtie Emperour,
 Mordreist at Rome, causeles and creuellie ...⁴⁵

Julius Caesar does not appear in Boccaccio, nor in Laurent, except for the most fleeting of references which do not discuss his fate. Lyndesay is clearly referring to Lydgate's extensive account (6.2549-2919). It also seems possible, given the evidently wide audience, that many literary citations or allusions, particularly to classical history, may derive in the fifteenth and sixteenth centuries from a reading of the *Fall of Princes*. Such an assertion would be difficult to document except at inordinate length in particular cases, but some writers at least reveal clear indications that the source of their allusions is a careful reading of the *Fall*. Thus Gavin Douglas in his *Palice of Honor* draws in his lines on Marcus Regulus on the corresponding lines in Lydgate, providing an unnoticed additional source for a poem which has hitherto been viewed only in terms of Chaucer's influence.⁴⁶ Again, Thomas Sackville in his *Induction* seems to draw on the *Fall* for many of his historical exempla.⁴⁷ Indeed, he copied lines from 'the prologue of Bouchas', the beginning of book 3 of Lydgate, into his autograph manuscript.⁴⁸ The casual, often fragmentary nature of such echoes and allusions seems to suggest that the *Fall of Princes* was read by a number of verse writers with a considerable degree of care, and may be an unappreciated influence in their work.

An indication of the dimensions of this unappreciated influence can be gleaned from a brief consideration of George Cavendish's *Metrical Visions*. Cavendish completed his *Visions* c. 1554-5. But until recently it has escaped notice that he introduced nearly 200 lines (at least) from the *Fall* into his work.⁴⁹ And his borrowings were as varied as they were extensive. Some stanzas are simply appropriated wholesale as they seem tonally fitting. In other cases stanzas are re-

45 Ed. J. Small (EETS, OS 11; London, 1865), p. 207, lines 1-11.

46 See my 'Gavin Douglas's *Palice of Honor* and Lydgate's *Fall of Princes*: A Note', *Notes and Queries* 219 (1974) 83.

47 *The Complaint of Henry, Duke of Buckingham*, ed. M. Hearsey (Yale Studies in English 86; New Haven, 1936), p. 8.

48 *ibid.*, p. 91.

49 I noted these in my note, 'Some Borrowings by Cavendish from Lydgate's *Fall of Princes*', *Notes and Queries* 216 (1971) 207-9; see that note for illustration of the points made in the rest of this paragraph.

worked so that little remains except for the rhyme scheme. At times Cavendish seems concerned simply to borrow pertinent historical allusions; at others he adapts a whole sequence from the *Fall* to provide the basis for one of his own tragedies. Indeed, Cavendish seems to have immersed himself in the *Fall*. His borrowings range over at least the first six books, on occasions using sequentially material from several different books.

But there are wider implications to Cavendish's intimacy with Lydgate's poem. Lydgate's vision of human tragedy is made historically contemporary in the *Visions* which chronicle the demise of various sixteenth-century political figures from Wolsey to Lady Jane Grey. They thus become the first sustained attempt to express in verse a vision of *De casibus* tragedy directly derived from the historical present.⁵⁰ With Cavendish it is possible to perceive the assimilation of the *Fall of Princes*, an assimilation going beyond verbal appropriations. Derek Pearsall has perceptively noted 'the pressure of the Lydgatean stereotype'⁵¹ which prompted the writing of the *Visions*. Certainly the stereotype was not simply a powerful but also a dynamic one. Lydgate provided a model, a structure of historical tragedy that was capable of extension and renewal over a hundred years after its original composition.

The fullest attempt to extend and adapt the Lydgatean model lies of course outside my present concerns. At about the same time that Cavendish was finishing his *Visions*, the first abortive attempt was being made to produce an edition of the *Mirror for Magistrates*.⁵² Baldwin's Dedication to the 1559 edition explicitly acknowledges this 'pressure of the stereotype' and the attempt to work within the form and tradition of the work:

God can not of Iustice, but plage such shameless presumption and hipocrisy, and that with shamefull death, diseases, or infamy. How he hath plaged euill rulers from time to time, in other nacions, you may see gathered in Boccas booke intituled the fall of Princes, translated into Englishe by Lydgate: How he hath delt with sum of our countreumen your auncestors, for sundrye vices not yet left, this booke named *A Myrrour for Magistrates* can shewe ...⁵³

It is no part of my intention to discuss the *Mirror*. Suffice to note that it marks an obvious watershed in the history of the influence of the *Fall of Princes*. It is the most ambitious attempt to chronicle history on the Lydgatean model. But after it,

50 For further discussion of this point see my article, 'The Date of George Cavendish's *Metrical Visions*', *Philological Quarterly* 53 (1974) 128-32.

51 *Chaucer and Chaucerians*, ed. D. S. Brewer (London, 1966), p. 235.

52 See W. A. Jackson, 'Wayland's Edition of *The Mirror for Magistrates*', *The Library*, 4th Ser., 13 (1932-3) 155-57.

53 *The Mirror for Magistrates*, ed. L. B. Campbell (Cambridge, 1938), p. 65.

it becomes increasingly difficult to define a specifically Lydgatean influence. Although Lydgate clearly went on being read,⁵⁴ it seems to have been the newer form, with its various additions and progeny, that provided the significant model for *De casibus* tragedy. It seems primarily to have been the *Mirror* not the *Fall* which gave stimulus to Elizabethan tragic writers.

These borrowings suggest something of the range of literary awareness of the *Fall*. They indicate the variety of responses it engendered. The most limited response to it is an anonymous proverbial authority or as a synonym for tragedy; some are affected by particular aspects or passages of the work; others made various attempts to adapt the work to serve new designs. For some, like Idley, the work was capable of reduction to a didactic commonplace book; for others, like Cavendish or the authors of the *Mirror for Magistrates*, the *Fall* provided a model that could be renewed and elaborated. This multi-faceted contemporary response to Lydgate's poem has scarcely been appreciated by more recent critics who stress only its tedium. The generations immediately following Lydgate clearly found much to appreciate.

IV

The evidence I have assembled indicates certain aspects of the range of influence of the *Fall of Princes* that have not been adequately appreciated. The evidence is not likely to prompt any dramatic reevaluation of the poem. But it may at least suggest a basis for future enquiry. For in various forms the *Fall* seems to have commanded a wide audience. And it seems to have been often directly and solely through Lydgate that 'Bochas' was understood in England. It was moreover a work which was utilized in a variety of ways and produced some curious progeny. Further study of the influence of the work can at least proceed with these perspectives defined.

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⁵⁴ For example Ben Jonson quotes extensively from it in *The English Grammar*; see *Ben Jonson ...*, ed. C. H. Herford and P. and E. Simpson, 8 (Oxford, 1947).

THE *FORMA DICTANDI* ATTRIBUTED TO ALBERT OF MORRA AND RELATED TEXTS¹

Ann Dalzell

MODERN interest in the *cursus* began just over a hundred years ago when Charles Thurot published a collection of passages on the subject in his *Histoire des doctrines grammaticales au moyen âge*.² Although much has been written on the *cursus* since that time the basic texts have not received the attention that they deserve. The *Forma dictandi* attributed to Albert of Morra, who was Papal Chancellor from 1178-1187 and then reigned as Gregory VIII for the two months before his death in December 1187, is probably the earliest statement of the rules of the *cursus romanus* that has come down to us,³ and for

1 The following books and articles are cited by author only:

- Delisle, L., 'Notice sur une "Summa dictaminis" jadis conservée à Beauvais', *Notices et extraits des manuscrits de la Bibliothèque Nationale* 36.1 (1899) 171-205.
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- Valois, N., 'Etude sur le rythme des bulles pontificales', *Bibliothèque de l'Ecole des chartes* 42 (1881) 161-98, 257-72.

2 Thurot, pp. 480-85. A more recent collection of texts was published by di Capua; others are available in Rockinger. For bibliographies of the *cursus* see L. Laurand, 'Bibliographie du *cursus*', *Revue des études latines* 6 (1928) 74-90 and 12 (1934) 420-23; Leumann-Hofmann-Szantyr, *Lateinische Grammatik* 2 (Munich, 1965), pp. 719-21; Lindholm, pp. 202-204; J. J. Murphy, *Medieval Rhetoric: A Select Bibliography* (Toronto, 1971), pp. 65-66; K. Strecker, *Introduction to Medieval Latin*, trans. and rev. by R. B. Palmer (Berlin, 1965), pp. 86-90.

3 Lindholm stated without evidence that the *Forma dictandi* was written in 1187 (p. 14), perhaps inferring this from the manuscript title, ... *Magister Albertus qui et Gregorius octauus*. (So

that reason, as well as for the authority of Albert's name, it is frequently cited. Pio Rajna, in an article published posthumously in 1932, compared the *Forma* with the corresponding passages in the *Libellus de arte dictandi rhetorice* of Peter of Blois and in an unidentified work quoted by Ch.-V. Langlois,⁴ and offered many useful suggestions about the text and the technical words employed in it. On both topics more still can be said, and in addition two fundamental questions must be asked: what, precisely, is the nature of the work? and are we justified in attributing its composition to Albert of Morra? I shall discuss these two questions in the body of the article. I have arranged the textual and lexicographical notes as a commentary at the end. Like Rajna, I shall compare the text of the *Forma* with other writings on the *cursus*, both earlier and later, and shall use especially the work of Peter of Blois and of Transmundus, for these three texts show such a degree of similarity that they can be used to correct and interpret one another. The passages that I shall examine have been printed before but I am giving them again, partly for convenience of reference and partly because a few errors, admittedly minor, have slipped into the published texts.⁵ I

too D. L. Norberg, *Manuel pratique de latin médiéval*, Paris, 1968, p. 87.) If this date were correct, then Peter of Blois' *Libellus*, usually dated 1181-1185, would be earlier. But the following points should be noted: (1) There are good reasons, as I shall show below, for believing that Albert was not the author of the *Forma dictandi* as it now stands. (2) If he were, we may assume that the *Forma* was written before he was elected pope. Early in his reign Jerusalem fell to Saladin. Grief and concern for so great a tragedy and a desire to reform the spiritual life of Western Christendom, occupied all his thought. If ever he wrote on prose style, he must have done so earlier when the subject was a matter of professional concern to him.

One thing certain is that 'Albert' and Transmundus were not the first *dictatores* to publish the rules of the *cursus* as has been stated, e.g. by Valois (p. 168) and Heathcote (p. 53). The work of Peter is almost certainly earlier than that of Transmundus and there is, moreover, good reason to suspect that something on the subject was written by the author of the anonymous *Rationes dictandi* that was produced at Bologna about 1135 (see below pp. 446-48).

4 'Formulaire de lettres ...', *Notices et extraits des manuscrits de la Bibliothèque Nationale* 35. 2 (1897) 410. This work is a copy of the *Introductiones dictandi* of Transmundus, in Florence, Biblioteca Laurenziana MS. Plut. 25, sin. 4, fols. 1-6.

5 The *Forma dictandi*: Paris, Bibliothèque Nationale MS. Lat. 2820, fol. 58v, printed by Valois, pp. 181-82 and 188-89, and by di Capua, pp. 60-62.

Extracts from Peter's *Libellus*: Ch.-V. Langlois, 'Formulaire de lettres du xii^e, du xiii^e et du xiv^e siècle', *Notices et extraits des manuscrits de la Bibliothèque Nationale* 34. 2 (1895) 26; reprinted by di Capua, pp. 74-75. The *Libellus* was not included in the Oxford edition of Peter's work prepared by I. A. Giles (1847), because it was thought by him to be wholly derivative. For the same reason it was omitted from Peter's work printed in PL (see 207.1127).

Sections from Transmundus' *Introductiones: In distinctionibus ... antecedens, et econuerso* in N. Valois, *De arte scribendi epistolas apud gallicos medii aevi scriptores rhetoresue* (Paris, 1880; rpt. New York, 1964), pp. 77-78; 'Obseruandum est ... perseverantiae fundamentum', Valois, p. 190, in the text of the early version, from Paris, Bibliothèque Nationale MS. Lat. 2820, fol. 59v. The passage on the *cursus tardus* attributed to Transmundus by A. C. Clark in *Fontes prosae numerosae* (Oxford, 1909), p. 35, and noted in his *Cursus in Mediaeval and Vulgar Latin* (Oxford, 1910), p. 18, is from the *Summa* of Lawrence of Rome (printed by Thurot, p. 482 and Valois, p. 193).

have modernized the punctuation but have not added any marks which run counter to those of the manuscripts. The diacritical marks are my own.

Texts

Forma dictandi qua Romae notarios instituit

Magister Albertus

qui et Gregorius Octauus.

(Paris, Bibliothèque Nationale MS. Lat. 2820, fol. 58v)

Cursus dictaminis romanae curiae taliter obseruandus est:

Si incipias uersum a dictione disyllaba, bene currit dactylus post eam, ut si dicas *déus ómnium*.

Si incipias a dictione trisyllaba cuius media sit producta, bene currit post eam dactylus,
5 ut si dicas *magíster mílitum*.

Cauendum maxime tibi ne uel duos uel plures dactylos ponas continue quia nimis sunt ueloces, ut *négligens fámulus áliquis*; sed plures spondeos poteris continuare, ut *fidem súam suspéctam réddít*.

Si uersum incipias a dactylo, pone plures spondeos post dactylum, ut *dóminus ét*
10 *magíster nóster Ihésus Chrístus*.

In medio uersu post punctum, uel post metrum ut ita dicam, melius est incipere clausulam a spondeo quam a dactylo, ut in hoc patet exemplo:

Impudicae matris nequitia | corrúmpit filiam, |

ét uix potest pudicam facere quam habuit impudica.

15 Hoc praeterea notandum est quod finales dictiones semper debet quasi pes dactylus antecurrere. ipsa autem terminalis dictio totius uersus debet esse tetrasyllaba cuius paenultima syllaba producat, ut hic:

Ad aeterna mereamur gaúdia || perueníre.

uel possunt esse in fine ipsius clausulae duae disyllabae dictiones qualiacumque sint
20 earum tempora, ut:

Inhumanitatis est nimiae in hominem ágere || nímis dúre.

Quandoque etiam monosyllaba et trisyllabe dictio, dactylo praecedente, finiunt uersum ita tamen quad media trisyllabae sit producta, uerbi gratia:

25 Pullos fouet et pascit uolucris dum implumes uidétque téneros, nec a nido permíttit égredi, donec per se sufficiant || ad uolátum.

Quandoque etiam duae trisyllabae terminant uersum, ut:

Petitiones honestas ius et ratio audíri || compéllunt.

Aliquando tetrasyllaba cum trisyllaba terminat uersum ut:

Quicquid aduersus éum propósui, astruere confidénter || audébo.

30 Caue ne incipias narrationem a proprio nomine, ut si dicas *R. clerico conquerente didicimus*.

Cauetas etiam post uocalem ponere uocalem et post *m* uocalem ponere.

Nota praeterea si loquaris ad aliquod capitulum, — ut si loquaris ad capitulum parisiense de episcopo suo, — non debes dicere *uenerabilis frater noster parisiensis*

episcopus, sed sic: *uenerabilis frater noster episcopus uester*. similiter si decano uel archidiacono soli loquaris debes dicere *episcopus tuus*. 35

Cauendum etiam in huiusmodi est adiectiuus, *praedictus*, *praescriptus*, *memoratus*, *supradictus*, *praelibatus* et similibus ne aliquid eorum in eadem clausula uel etiam tota serie litterarum saepius repetatur.

Hucusque Papa Gregorius Octauus.

40

Abhinc Magister Treimundus
repetens praedicta et addens utilia.

Petri Blesensis *Libellus de arte dictandi rhetorice*
(Cambridge, University Library MS. Dd. 9. 38, fol. 115rb)

De distinctionum fine siue terminatione
quae cadentia nuncupatur.

Huiusmodi distinctionum fines uocant notarii romanae curiae cadentias quas, uelut sanctuaria celantes, nulli uolunt penitus reuelare; per illas etenim suas litteras ab adulterinis discernunt.

Si incipiat clausula a dictione disyllaba, non supponunt dactylum, ut *honor pátriae*; sed si a dictione trisyllaba cuius media producto accentu profertur, bene subiungunt dactylum, ut *magíster mílítum*. 5

Cauent tamen multos dactylos continuare, sed plures spondeos libenter continuant.

Si media distinctio desinat in dactylum, conuenienter sequitur spondeus, ut:

... uix filiam pudicam sápere | quam máter genuit impudica.

De dictionibus sententiam finientibus:

10

Finiunt sententiam aut una dictione tetrasyllaba ut *confirmatur*, aut duabus disyllabis, ut *dignum duco*, aut monosyllaba et trisyllaba, ut *non attendit*; et hae cadentiae uidentur eis competentes.

Quandoque finiunt tamen per dictionem viii syllabarum, ut *excommunicationis*; quandoque duabus dictionibus trisyllabis, mediis productis, ut *in duris casibus habére patrónum*; quandoque dictione trisyllaba, media producta, praecedente tamen tetrasyllaba, ut *quidquid clam produxeram palam astruere confidénter audébo*. et notandum quod ante huiusmodi cadentias semper praeponunt dactylum, ut huiusmodi: *litteris confirmátur*. 15

Non autem in omni dictamine necesse est huiusmodi cadentias obseruare, sed competentiores enumerauimus. 20

Magistri Transmundi *Introductiones dictandi*
(Troyes, Bibliothèque municipale MS. 893, fol. 1rb et 6vb)

In distinctionibus autem ea potissimum lex est reguláque seruánda, ut trisyllabis uel polysyllabis dictiónibus concludántur quatenus dictaminis cursus expedite orationis

trámite dirigátur. quae nimirum ratio adhibenda est distinctiónibus finitíuis ut in his abundet númerus syllabárum in quibus dictaminis cursus obtíneat complementum.

- 5 Obseruandum est etiam ut si trisyllaba dictio distinctiónis est fínis, talis sit cuius paenultima sýllaba producátur, eadem utique lege in praecedenti dictiône seruáta, ut in hoc exemplo:

Non possum boni operis incurrere paenitudinem
in quo suum seruat caritas intemeráta || uigórem.

- 10 si uero tetrasyllaba dictio finitiuae distinctiōnis euēnerit finitíua, siquidem paenultimam suam ípsa prodúxerit, suam paenultimam corrípiat antecédens, et econuerso. si uero proprium quaéris exémplum, súmas huiúsmodi:

Frequenter exquirít ad dissoluta transfugium
qui non habet in opere perseuerántiae || fundaméntum.

- 15 et econuerso:

qui non habet in opere perseuerantiae

et cetera.

Si incipias clausulam a dictione disyllaba, non bene post eam currit dactylus, ut *déus ómnium*.

- 20 Si incipias a dictione trisyllaba cuius media sit producta, bene currit post eam, ut *magíster mílitum*.

Cauendum ne duos uel plures dactylos ponas continue quia nimis sunt celeres, ut *áliquis négligens fámulus*. plures spondei bene continue currunt, ut *fídem súam suspéc-tam réddít*.

- 25 Si a dactylo incipias, quod uix aut numquam concedo, pone plures spondeos post dactylum, ut *dóminus ét magíster nóster*.

Post punctum uel metrum melius est incipere clausulam a spondeo quam a dactylo, sic:

Impudicae matris nequitia | corrúmpit filiam, | ét uix potest pudicam sapere
quam habet discipulam impudica.

The Authorship of the 'Forma dictandi'

When Noel Valois published his classic study of the *cursus romanus*, 'Etude sur le rythme des bulles pontificales' (1881), he drew the attention of scholars to the use of rhythmic prose in the documents produced at the papal court. Although it was soon recognized that rhythmic prose was not the prerogative of the Chancery at Rome but was composed by many writers for many purposes in many parts of Europe, the feeling has persisted that the Curia Romana was the home of rhythmic prose and that the only type practised in Europe was that which enjoyed its approval. This is not to say that scholars have been unaware of the existence of another school. In 1869 Léopold Delisle published an article on

the School of Orléans⁶ in which he quoted Boncompagno's opinion of the 'false and superstitious teaching' there,⁷ and Thurot, in 1868, printed from the *Candelabrum* of Bene of Florence the rules governing the rhythmic cadences, *secundum stilum gallicum*.⁸ Since then scholars like Valois, di Capua, and especially Rajna and Lindholm, have considered and discussed the teachings of this other school. Nevertheless the impression remains strong that whatever was taught at Orléans was not to be taken seriously, an impression that receives confirmation from a few of the Italian *dictatores* themselves. To some extent this is correct. The best known writers practised the Roman style; it is recommended in most manuals of composition;⁹ it won out over its rival. But at the close of the twelfth century¹⁰ the rules of the Gallic style were known and published and some Italian *dictatores* writing in the early thirteenth century believed that it posed a threat. For this reason it should not be neglected when studying the rhythmic prose of the period.

It seems strange, but appears to be true, that no rules for the composition of rhythmic prose were devised before the twelfth century. The traditional method of learning the cadences was by ear, a method which had been approved by Cicero for acquiring a knowledge of the more complex and numerous rhythms of quantitative prose. Cicero believed that the human ear was capable of discerning pleasing and unpleasing rhythms:

aures enim uel animus aurium nuntio naturalem quandam in se continet uocum omnium mensionem, itaque et longiora et breuiora iudicat et perfecta ac moderata semper exspectat, mutila sentit quaedam et quasi decurtata, quibus, tamquam debito fraudetur, offenditur; productiora alia et quasi immoderatus excurrentia, quae magis aspernantur aures

(*Orator* 53.178)

These could be learned naturally, without recourse to the rules of an art:

neque enim ipse uersus [the rhythm of prose] ratione est cognitus, sed natura atque sensu, quem dimensa ratio docuit quid acciderit. ita notatio naturae et animaduersio peperit artem.

(*Orator* 55.183)

6 'Les écoles d'Orléans, au douzième et au treizième siècle', *Société de l'histoire de France, Annuaire-Bulletin* 7 (1869) 139-54.

7 p. 152; quoted below p. 450.

8 p. 484.

9 This statement is based on what is in print. I am assuming that if many French manuals had been preserved, they would have attracted more attention and more extracts would have been published from them.

10 Delisle, p. 172, dates Bernard of Meung's *Summa dictaminis* to the time of Philippe-Auguste.

The same opinion was expressed twelve centuries later by the anonymous author of a *Rationes dictandi* written at Bologna about 1135:

quod ... aurium potius iudicio et dictandi exercitio quam certissima qualibet doctrina comparetur. (Rockinger, p. 26)

When one compares the three or four cadences used by the mediaeval notary with the formidable list of quantitative *clausulae* recorded by M. Plotius Sacerdos in the third century A.D.,¹¹ one would agree that it was a simple matter to learn them *aurium iudicio*, and indeed difficult not to drift almost unconsciously into the habit of using them.

But some students, it would seem, found the cadences difficult to learn and concern for their plight was expressed by the author of the *Rationes dictandi* fairly early in the century, and by Peter of Blois in similar terms fifty years later. Peter, as can be seen from the passage cited above, provided his readers with a collection of rules; the *Rationes dictandi* as we have it does not, but there are grounds for believing that our text is incomplete and that its author did so.¹² The relevant passage in the *Rationes dictandi* reads as follows:

Omnis namque epistola uel per rectam constructionem, ut superius dictum est, uel per appositionem dirigenda est.

Quam uidelicet appositionem oportet fieri quasi currentem et sonoram, et diligenti sermonum positione fulgentem. quod utique licet aurium potius iudicio et dictandi

11 *Artes grammaticae* 2.71-74, 'De structura'; printed in H. Keil, *Grammatici latini* 6 (Leipzig, 1874), pp. 492-95 and di Capua, pp. 12-17.

12 I did not read Rajna's article until my own work was almost complete, and was then pleased to discover that he too suspected a lacuna in the text that would have contained the rules governing rhythmic prose (28). He did not, however, support his conjecture and could not have used the argument that I have suggested because he maintained throughout his article that *cursus* and *appositio* were used synonymously in the works of the *dictatores*. Many passages show that this is not so, for example that quoted from Peter of Blois, below n. 13, in which the writer is advised to do two quite distinct things: 'clausulas colorata uerborum appositione conserere, et sonora dictionum cadentia terminare'. We know on the authority of Boncompagno of Signa that *cursus* was sometimes used for *appositio*. In the *Boncompagnus* or *Rhetorica antiqua* (c. 1215) he wrote:

Appositio, quae dicitur esse artificiosa dictionum structura, ideo a quibusdam cursus uocatur, quia, cum artificialiter dictiones locantur, currere sonitu delectabili per aures uidentur cum beneplacito auditorum. (Thurot, p. 480)

Rajna (p. 55) understood this to mean that *appositio* was the term commonly used to designate prose rhythm and that *cursus* was the term used by certain people only. (On the meaning of *cursus*, see below p. 452.) I understand the passage to mean that *cursus* was sometimes used loosely for *appositio*, perhaps because rhythm was such an obvious characteristic of this artificial prose style, and the easiest to learn to employ.

exercitio quam certissima qualibet doctrina comparetur, quaedam tamen artificia rudibus ministrare satagemus.¹³

(Rockinger, p. 26)

The author refers here to two styles of composition which he had defined and exemplified earlier in the treatise: the simple, natural style (*recta et simplex constructio*; Rockinger, p. 10), and the ornate, artistic style (*appositio* or *prosa artificialis*, defined as ... *apposita dictionum ordinatio a constructionis serie remota*, 'a carefully arranged word order different from the order usually followed in constructing a sentence'; Rockinger, p. 10). The *recta constructio* never delayed for long those of the *dictatores* who troubled to mention it. The example in the *Rationes* illustrates clearly what was meant by the term and why it aroused no interest:

O karissime et fidelis, ego bene credo esse cognitum tibi quod magnam fiduciam habeo in te de omnibus meis negotiis.¹⁴

Appositio, on the other hand, was the style of composition that the *dictatores* promised to teach.¹⁵

The author of the *Rationes dictandi* described this style as *currentem et sonoram*. He did not, I believe, want to say simply that it should be 'smooth and sonorous' but had in mind the particular cadences of rhythmic prose.¹⁶ These may be described as 'smooth' because they are composed of a pleasing arrangement of accented and unaccented syllables, and as 'sonorous' because they are most successfully formed from words of three syllables or more.¹⁷

But the arrangement of words in conformity with certain rhythmic patterns was only one aspect of *appositio*. Transmundus handled the subject carefully and we learn from his work that *appositio* comprised three kinds of arrangement: (1) the logical arrangement of thought within the structure of the periodic sentence;

13 The parallel passage from Peter of Blois is:

Interest igitur discreti dictatoris in omni genere dictaminis huiusmodi clausulas colorata uerborum appositione conserere, et sonora dictionum cadentia terminare. huius autem uenustam sermonum ordinationem, et quadam distictione succincte currentem, auris utiliter attendentis plenius iudicat quam alicuius doctrina ualeat explicare; qualemcumque tamen formulam rudibus proponemus.

(Ch.-V. Langlois, 'Formulaire de lettres ...', *Notices et extraits des manuscrits de la Bibliothèque Nationale* 34.2 (1895) 25)

On *colorata* see F. Di Capua, *Il ritmo prosaico* 3 (Rome, 1946), pp. 41-42.

14 A more concise example of the 'natural order' was given by Guido Faba: 'ego amo te' (*Summa dictaminis*, ed. A. Gaudenzi, *Propugnatore* N.S. 3 (1890), part 1, 287-338; part 2, 345-93, 'De ordine naturali et artificiali', 338).

15 For further examples of the two styles, see di Capua, *Il ritmo prosaico* 3.38-39.

16 Rajna interprets in the same way an earlier passage of the *Rationes dictandi*: 'quam appositionem utique sonoram et distinctam id est quasi currentem fieri oportet' (p. 17).

17 See, e.g., Transmundus ll. 1-4 and the commentary on them, below p. 464.

(2) the artistic — or artificial — arrangement of the parts of speech; (3) the rhythmic arrangement of the concluding syllables of the parts of the periodic sentence. It was, therefore, not strange for Peter of Blois, immediately after offering help to those who were ignorant of the rules for writing rhythmic prose (see the quotation from his work, n. 13 above), to speak first of the construction of the periodic sentence and only then to set down the rules governing prose rhythm. In like manner, the author of the *Rationes dictandi*, after the introductory remarks quoted above, discussed the arrangement of the parts of speech (*diligenti sermonum positione fulgentem*). At that point our text stops, without the kind of conclusion that its elaborate introduction would seem to require, and we cannot fail to wonder if its author, like Peter of Blois, had continued his work with the rules of prose rhythm.

It would be interesting to have so early a statement of the rules, because their formulation was not as easy as one would think. The first teachers to attempt the task had to fashion a technical vocabulary, and several notes in the commentary below will point to their innovations. Two systems were devised, one of which Bene of Florence¹⁸ associated with the School of Orléans and the other with the Papal Chancery:

Artificialis est illa compositio quae lepidam orationem reddit, quia dictiones quadam aequabili ordinatione concinnat. sed hoc aliter ab Aurelianensibus, aliter a fonte latinitatis Tullio, aliter a Sede Apostolica obseruatur. Aurelianenses enim ordinant dictiones per imaginarios dactylos et spondeos nos uero secundum auctoritatem romanae curiae procedemus, quia stilus eius cunctis planior inuenitur. (*Candelabrum*, Thurot, p. 483)

The School of Orléans, Bene tells us, described prose rhythms as combinations of 'imaginary', that is to say, accentual spondees and dactyls.¹⁹ He did not mention

18 On Bene of Florence, see A. Gaudenzi, 'Sulla cronologia delle opere dei dettatori bolognesi da Buoncompagno a Bene di Lucca', *Bullettino dell' Istituto Storico Italiano* 14 (1895) 85-174, especially 150-62. Gaudenzi dated the composition of the *Candelabrum* to 1220-1223 and believed that the *Summa perfecte dictandi* was a later redaction. Rajna, however, argued that the *Summa* was the earlier work (p. 50). Passages from the *Candelabrum* are quoted by Thurot, pp. 483-85 and Rajna, p. 63 and from the *Summa* by Rajna, pp. 52-53, 62-63, and 68. Bene's work was discussed by Rajna, pp. 50 ff. and by Lindholm, pp. 23-26. An interesting note by E. H. Kantorowicz ('Anonymi "Aurea gemma"', *Medievalia et humanistica* 1 (1943) 48-50) explains the significance of 'Candelabrum' and similar fantastic titles.

19 Definitions of these terms will be found in the following works:

- (1) in three passages cited anonymously by di Capua, pp. 63-64 (one is the passage from Pontius of Provence given by Thurot);
- (2) in the works of Pontius of Provence and a certain Master William (Thurot, p. 481);
- (3) in the *Summa dictaminis* of Bernard of Meung (Delisle, pp. 181, 182);
- (4) in the work of Bene of Florence (Thurot, p. 484; Rajna, pp. 62, 63).

in this paragraph the terminology of the Roman school, but when we read the sections of his works that describe the *cursus romanus*,²⁰ or the works of *dictatores* like Lawrence of Rome who have left us the rules governing the Roman style,²¹ we find that they speak of words of so many syllables whose accent falls on a certain syllable, e.g.: 'Si trisyllaba dictio distinctionis est finis, eius paenultima syllaba acuatur' (Bene of Florence, *Summa perfecte dictandi*; Rajna, p. 52). Guido Faba, an Italian writer, used the expressions *ditiones celeres* and *tardae* to denote words described by the French *dictatores* as accentual dactyls and spondees (*Summa dictaminis*, ed. Gaudenzi, part 2, p. 346 — see n. 14; and cf. *Forma dictandi* 1.6: ... *quia nimis sunt ueloces*).

I can see no reason for questioning Bene's statement. He had more to say on prose rhythm than any other writer and had so studied the subject that he was prepared to describe the quantitative *clausulae* of Cicero.²² Unless good evidence is found to the contrary, we may accept the spondee and dactyl terminology as characteristic of the School of Orléans.

What contrary evidence exists is found in the three treatises whose texts I have given above. All are associated in some way with Rome, yet all use the terms 'dactyl' and 'spondee' when describing initial and medial rhythms. Rajna believed that these texts reflect an early method of teaching prose rhythm in Italy which spread to France and was preserved there after the typically Italian terminology had been devised.²³ This explanation is difficult to substantiate because we cannot assign a precise date to any of the relevant treatises; but if imaginary dactyls and spondees had been used by the Italian *dictatores*, one would have expected Bene of Florence to have mentioned the fact. He, however, made a clear

Valois (pp. 174-75) and Lindholm (p. 20) discussed the terms in some detail.

Delisle noted four manuscripts that contain *dictamina* from Orléans and these might repay study ('Les écoles d'Orléans', 140-142). Gervais of Melkley, in his *Ars poetica* (c. 1208-1216) offered a poor and badly organized description of prose rhythm (ed. H.-J. Gräbener (Forschungen zur romanischen Philologie 17; Münster, 1965), pp. 216-222), but it is clear that he had in mind the Gallic and not the Roman style.

20 Rajna, pp. 52-53; Thurot, p. 483.

21 Many sources for the *cursus romanus* were printed by di Capua.

22 Rajna (p. 50) described him as the *dictator* who wrote most about the *cursus* and knew the most.

23 Rajna, p. 59. This view was followed by N. Denholm-Young, 'The Cursus in England' in *Oxford Essays in Mediaeval History Presented to H. E. Salter* (Oxford, 1934), pp. 73-74, and by Lindholm, pp. 19-20. Rajna not only believed that the spondee-dactyl terminology was characteristic of early teaching in Italy, but also the regulation of rhythm at the beginning of the *metra*, and that both were preserved in the French *artes* after they had been dropped in Italy. I have studied some of the letters of Peter of Blois, the four letters preserved in Transmundus' *Formulary* that bear his name, and the papal letters of Gregory VIII (Albert of Morra) and can find no patterns of initial rhythm. (Even if Albert of Morra did not write the *Forma dictandi* his letters should provide good examples of the approved style of the time.)

distinction between the French and Italian schools, both in the terminology that they used and in the rhythms that they taught. Boncompagno of Signa went further and wrote with some passion in the preface to his *Liber X tabularum* that his work was designed

... ut omnes quibus placebit, et praecipue uiri scholastici qui per falsam et superstitiosam Aurelianensium doctrinam hactenus hac arte abutebantur, tanquam naufragantes ad eum recurrerent, et formam Sanctorum Patrum, Curiae Romanae et Imperialis Aulae stilum prosaico dictamine studerent imitari.²⁴

(di Capua, p. 4)

Valois thought that the Italian theorists were annoyed by occasional false quantities found in the French writings:

Unde liquet scriptores nostros delicatas Itolorum aures nonnumquam offendere, quum longas breuesque syllabas non recte semper discreuerint.

(*De arte scribendi epistolas*, pp. 75-76)

Di Capua suggested that the Italian criticism was more deeply founded: in Italy a stronger sense of classical quantities had survived and as a result, Italians could not respect a system which lumped together under the term 'spondee' words as different as *mǎrĕ*, *praēbē*, *ǎmā*, and *Rōmā*. They knew, moreover, that the cursus was based on accent²⁵ and argued against a terminology that seemed to obscure the fact (pp. 64-65).²⁶

While there may be some truth in di Capua's explanation, it is clear from the texts that the French *dictatores* did not use 'spondee' and 'dactyl' ignorantly or carelessly, but consciously adapted the old terminology to a new use. Thus Bernard of Meung wrote:

24 Also in Delisle, 'Les écoles d'Orléans', 152, with the following readings that differ from the text of di Capua: *ad [eas]*, *in prosaico* and *studeant*.

25 A curious statement which indicates a feeling for the quantity of syllables was made by Bene of Florence in the definition of the *cursus planus* given in book 3 of his *Summa perfecte dictandi* (Rajna, p. 52):

Sed cauendum est secundum hanc regulam ne finis heroicus incidere uideatur.

The *cursus planus* is an accentual equivalent of the last two feet of the dactylic hexameter. It would seem that Bene did not want it to be a quantitative equivalent as well and his examples bear this out. He approved *felicitatē mārĕscit* but did not admit *comitātūr hōnēstas*. (Cf. Martianus Capella 5.517: 'uitandum ... neue in notissimos uersus et maxime heroicos structura fundatur') In the *Candelabrum*, too, his feeling for quantity intruded. He wrote of the imaginary dactyls:

... omnis trisyllaba facit dactylum, si paenultima grauis fuerit uel correpta (Rajna, p. 63) '... if its penult is unaccented (or short).'

26 Di Capua believed that the teachers at Orléans taught the Roman cadences, but used their own terminology and permitted a few 'secondary cadences' (pp. 73-74).

... nec hos pedes iudicamus secundum metricam rationem, id est secundum productionem et correptionem (MS. correctionem) syllabarum, sed secundum cursum quem habent dictiones.

(Delisle, p. 181. Cursum = rhythm.)

Bene of Florence was even more explicit:

Nec secundum correptionem uel productionem considerant istos pedes, sed secundum numerum syllabarum et habitudinem dictionum.

(Thurot, p. 484; Rajna, p. 63)

To us this new use of the old terminology seems innocent enough. To some Italian masters of the *ars dictaminis* it did not, and whatever the reason for their disapproval, we may know from it that a difference in terminology was one of the distinguishing marks of the two schools.²⁷

Of greater significance, however, than differences in terminology are the differences in the rhythms permitted by the two schools. If we leave aside for the time the *Forma dictandi* and the work of Peter of Blois and Transmundus, and examine the rules given by French and Italian teachers, we shall note the following points:

(1) French *dictatores* were concerned with the rhythm of the whole sentence, Roman theorists only with the cadences that conclude the *membra*.

(2) The approved cadences were not the same. The School of Orléans permitted two endings:

(a) Two spondees preceded by a dactyl; that is, the rhythm of the *cursus uelox*. The two spondees might be contained in a tetrasyllabic word or formed from a monosyllable plus a trisyllable, two monosyllables and a disyllable, or from two disyllables. (But cf. Transmundus on *consyllabificatio*, above p. 443, ll. 1-4, and the note in the commentary.) Some writers advised that this cadence be used in the *distinctio finitiua*, the final *membrum* of the period, perhaps because it is the longest and most sonorous.

(b) All other *clausulae* should end in a dactyl. Because the length of the dactylic word was not prescribed nor the form of the word preceding it, many cadences could in theory be devised within this simple rule. Examples show that the theorists admitted the rhythm of the *cursus tardus* (*implóro praeséntibus, míhi dílligitur*, Bernard of Meung), the Hilarian ending (*praesénti página*, Pontius of Provence), and even a long dactylic word without caesura (*amicítiam*, the *Candelabrum*).

²⁷ I have noticed one exception. Bernard of Meung used the Roman terminology when he wanted to refer to a quadrasyllabic word with its accent on the penult: *dictio tetrasyllaba cum producta paenultima* (Delisle, p. 182). He could as well have written *dictio duobus spondeis facta*.

(c) Unusually long cadences were permitted at the conclusion of a letter. Bernard of Meung, and Bene of Florence in the *Candelabrum*, illustrated cadences concluding with three, three and a half, and four spondees, all preceded by a dactyl: three, *inténdere cómpositióni*; four, *uínculo éxcommuniçatiónis, fidélium á communiçatióne*; and two forms using three and a half: (1) ' - - | - ' - | ' - | ' - : *stúdeas praecépta ímitári* (*Candelabrum*) and (2) ' - - | ' - | ' - | - ' - , *ecclésiám ínhonéste praesúmit* (Bernard of Meung), *ángelis méreáris in caélis* (*Candelabrum*). The concluding six syllables of (1) fall into the rhythm of the *cursus trispondaicus* (the author specified that the final word be quadrasyllabic), and the concluding five of (2) into that of the *planus*.²⁸

It should be made clear that 'cursus' is not used to denote 'cadences' by the French writers nor by the authors of the three texts which are the subject of this paper; nor are the adjectives *uelox*, *planus*, *ecclesiasticus* and *tardus* used by them to distinguish different rhythms. But some neat way of referring to the rhythms of mediaeval prose is desirable and it is modern practice to use these terms. There may, however, be danger in doing so, and particularly when writing of the French style. It would seem that to French writers the sentence was regarded as a rhythmic unit, composed of accented syllables separated by one, two, or occasionally three (i.e., dactyl + spondee-and-a-half, ' - - - ' -) unaccented syllables, and they proposed certain rules for varying the sequence of accented syllables. These may be summarized as follows: a sentence should begin with two or more spondees, or with a spondee-and-a-half. The basic movement of the sentence is spondaic, with individual dactyls scattered through it to prevent monotony. The inner *membra* of a sentence should conclude with a dactylic word and the final *membrum* with two spondees. A sequence of more than two spondees is appropriate at the close of a composition. To speak of the *cursus uelox* or the *cursus tardus* when describing the French style is to isolate and give undue importance to small rhythmic units which should not be separated from the rhythm of the whole sentence. On the other hand, the interest of Italian theorists is in the unit of from five to seven syllables that concludes the *membra*. Once we recognize this basic difference we may continue to use the terms, partly because the French writers themselves acknowledged that certain rhythms were desirable at the ends of the *membra*, but especially because they provide a practical terminology, and because the simplest way of deciding whether a passage is written in the French or the Italian style is to examine the cadences.

²⁸ The text of two examples in the *Candelabrum*, at least in Thurot's text (p. 485), is corrupt. The author said: 'si ergo in tres spondeos desierit, illi possunt multimode uariari.' Among the variations exemplified are *quatenus studére procúres* and *melius de bóno concédas*, in which the final six syllables do not form three spondees but two spondees-and-a-half.

One may sum up the particular differences between the two styles as follows:

(1) Italian *dictatores* taught the cadences; the French gave rules governing the rhythm of the whole sentence.

(2) In the French style the *cursus planus* and the *cursus trispondaicus* could occur only at the end of a composition, and there they do not stand on their own, but are parts of a longer rhythm.

(3) The Hilarian ending is common in the French style.

(4) The caesura²⁹ was not obligatory in the French style, and *consyllabatio* appears not to have been discouraged as we see that it was, for example, by Transmundus.

(5) The French style recommended rhythms of particular sonority at the end of a composition.

Short examples of the French style may be seen in the *Forma dictandi*, ll. 13-14 and 24-25.

If, then, we admit that there were two styles of rhythmic prose written in the late twelfth and early thirteenth centuries, we must also admit that the *Forma dictandi* is, to use Noel Valois' words, 'un très curieux opusculé' (p. 168). Like the works of French theorists it gives rules for initial and medial rhythm, but while these are described for the most part in the terminology of Orléans, two phrases are typical of the Italian school;³⁰ on the other hand, the two cadences described are Roman³¹ and are defined in terms that are Italian, with the exception of two phrases that are more typical of the French school.³² Finally, the two periodic

29 This word was not needed by the *dictatores* because they defined the cadences as combinations of words of a certain length; but it was used by di Capua and is a useful addition to the critical vocabulary.

30 l. 2 *dictione disyllaba* (rather than *spondeo*) and l. 4 *dictione trisyllaba cuius media sit producta* (rather than *spondeo et dimidio*). Cf. Bernard of Meung (Delisle, p. 182); Bene in the *Candelabrum* (Thurot, p. 484) and in the *Summa perfecte dictandi* (Rajna, p. 68). The very fact that Peter and Transmundus have the same mixed terminology as the *Forma* shows that the three works are closely related.

31 The *uelox* is common to both, but the careful description of the *planus* suggests the Italian school since this rhythm could only occur at the end of a composition written in the French style and, even then, not as an independent unit but as part of a longer rhythm.

It is useful to compare the description of the cadences in the *Forma* with that given by Transmundus, Lawrence of Rome (Thurot, p. 482) and Bene of Florence (*Summa*, Rajna, pp. 52-53; *Candelabrum*, Thurot, p. 483). In all the description is more complete, the tone more authoritative, and the terminology consistent.

32 *Quasi pes dactylus antecurrere* (l. 15) and *dactylo praecedente* (l. 22). Cf. the Gallic terminology of Pontius of Provence (Thurot, p. 482) and Bene of Florence in the *Candelabrum* (Thurot, p. 484). Lawrence of Rome made the same point in the Roman manner: 'praecedentis uero dictionis paenultima grauatur' (Thurot, p. 482), and cf. Transmundus ll. 10-11.

sentences among the examples are composed in accordance with the French style. The *Forma dictandi*, then, appears to owe at least as much to Orléans as to Rome, and we are forced to ask whether Albert of Morra can be credited with all of it, or some of it, or none. To this question there is no simple answer.

Even without analysing its content and terminology, scholars have found the *Forma* an unsatisfactory work. Because it is so short and its style so uneven it is difficult to classify. Di Capua identified it with a *Summa* attributed to Albert (p. 60) and Valois thought that it was either this *Summa* or a part of it (p. 167).³³ Heathcote, taking into account its brevity and style, described it as 'a series of notes, either set down by Albert for distribution among the notaries, or perhaps taken down by one of them from his verbal instruction' (p. 88). Because the *Forma* is so short and its contents so restricted, it cannot be described properly as a *Summa*, nor, I think, because of the uneven handling of the material, as a portion of a finished work intended for publication. Heathcote's suggestion, that it is an abstract or set of notes, is the most persuasive of the three, and if the *Forma* can be accepted as Albert's work, I would support her general view, but with modifications.

In manuscript the *Forma* is followed immediately by an abridged version of the *Introductiones dictandi* of Transmundus and the two works are linked by the following words:

Hucusque Papa Gregorius octauus. Abhinc Magister Treimundus, repetens praedicta et addens utilia.

This statement is misleading because only one fact, the advice to avoid hiatus, is repeated in the two texts; but it shows that the scribe was handling the two works together and so, we may infer, in the same way. Since this copy of the *Introductiones* is an *abbreviatio*,³⁴ it may be assumed that the copy of the *Forma* is one as well; and I find it easier to imagine a student abstracting his own notes from a manuscript somewhere in France than to envisage a churchman so

³³ G. Kleemann, followed this point of view in his *Papst Gregor VIII., 1187* (Jenaer historische Arbeiten 4; Bonn, 1912), p. 61.

In 1218 Hugo of Prémontré sent to his friend Simon of St.-Eloi-Fontaine a volume that he had written which, like Paris, Bibliothèque Nationale MS. Lat. 2820, contained the work of both 'Albert' and Transmundus. In the accompanying letter he described it as:

... summam unam a sanctae recordationis Gregorio Papa VIII, sicut dicitur, editam de stylo Romani dictaminis, et quandam aliam summam, quae intitulatur Magistri Transmundi de arte dictandi.

From this it is clear that a work bearing Albert's name was circulating in France in the early thirteenth century. It is also clear from *sicut dicitur* that the authorship was suspect.

³⁴ See below p. 463 and n. 38.

distinguished as Albert teaching the rudiments of composition to classes of aspiring notaries.

But if the *Forma* is an abstract of some sections of a *Summa* written by Albert, we must assume that the French and Roman styles were not as incompatible, at least in Albert's day, as some of the *dictatores* have led us to believe. This may be so. Albert himself in his early years had been an Augustinian canon at St. Martin of Laon and was well able to discover, if he chose, what the northern schools of rhetoric were teaching. Three papal secretaries under Alexander III and Lucius III were trained at Orléans³⁵ and took their knowledge to the Papal Court, where Albert was serving as Chancellor during the last years of Alexander's reign and during that of Lucius. Furthermore, a curious mixture of the Roman and Gallic occurs in the work of Pontius of Provence. After defining carefully the imaginary spondees and dactyls he wrote:

Pedes autem dictos secundum cursum romanae curiae taliter ordinabis
(Thurot, p. 481)

and then proceeded to give rules for the Gallic style.

One might, therefore, argue that the mixture of styles is deliberate, a conscious attempt to combine the best of both, or that there is no mixture. The second position is the one that has been taken by students of the *cursum*. Either like Valois, di Capua and Heathcote they have not questioned the contents; or if they have noticed certain inconsistencies, they have, like Rajna, Denholm-Young and Lindholm, explained these as marks of an early Italian style. But our knowledge of the dates of composition of the various treatises is too inexact to support such an argument, as I noted above, and no mediaeval evidence has been cited in its favour and as far as I know, there is none. I would prefer, therefore, to take the *dictatores* at their word, to assume that 'dactyls' and 'spondees' suggest Orléans, that 'tetrasyllabic words' suggest Rome, and to question whether the *Forma* is a unified work and if it can reasonably be ascribed to Albert.

That I believe one must answer 'no' to both these questions is probably clear already from my analysis of the *Forma* and particularly from the summary of French and Italian elements to be found in it. Three additional points that support my view must be noted. In the first place, it is obvious that Peter of Blois, Transmundus, and the author of the *Forma dictandi* drew some of their material from a common source. But if this common source were the *Forma* itself, and Albert of Morra its widely acknowledged author, it is strange that Peter and Transmundus have copied his teaching on initial and medial rhythm and departed from his doctrine just where his authority would have been most binding, in the

³⁵ Delisle, 'Les écoles d'Orléans', 143.

definition of the Roman cadences. It is especially strange if Transmundus can be described, as he frequently is, as the disciple of Albert of Morra. Peter's description of the cadences is closer to that of the *Forma*; but he offered a different set of examples, and within the mediaeval tradition of grammar and rhetoric, where examples are copied from sources with monotonous regularity, this is significant; and he introduced the octosyllabic ending, a cadence which is acknowledged as foreign to the Roman style.³⁶ Transmundus' elegant definitions resemble the work of neither and have, moreover, the simplicity of authority. Here, if anywhere, we have the teaching of the Curia.

In the second place, it is noteworthy that Transmundus' description of prose rhythm is taken from two places in his text. Rules governing the cadences are given in the First Version and repeated in the first part of the Second Version. The rules for initial and medial rhythm are found only in the second part of the Second Version, a section designed for more advanced study. In the First Version of his work, then, Transmundus taught his readers the Italian cadences, concisely expressed in the Italian terminology, and in a form that has nothing in common with that given by Peter of Blois and the *Forma dictandi*. For parallels we must go to Lawrence of Rome (Thurot, p. 482) and the description of the Roman style in the *Summa* of Bene (Rajna, pp. 52-53). In the Second Version we find in addition an almost verbatim copy of the texts of Peter and the *Forma* on initial and medial rhythm. We also find a long list of official salutations, copied so closely from the *Ars dictandi aurelianensis* that its text can be used to correct that of Transmundus. One is left wondering, in fact, if the Second Version can rightly be ascribed to Transmundus, and in that case, shows the influence of his many years of residence in France, or if it must be recognized as a *contaminatio*, compiled with or without his knowledge, probably at Clairvaux. Until this question is answered we cannot state that rules governing initial and medial rhythm are part of the Italian style because they are found in the work of this distinguished Roman notary. Their presence in the Second Version of the *Introductiones* may prove to be evidence that they are French.

Finally, it will become clear on reading the commentary below, that the sources and analogues for the treatment of initial and medial rhythm are entirely French.

In view of all these considerations I find myself forced to believe that the *Forma dictandi* is a compilation, and not too intelligent a one at that, of rules

36 See the *Candelabrum*: 'Monosyllabae dictiones et quae numerum quattuor syllabarum excidunt numquam in fine locum audeant possidere' (Thurot, p. 483). The French *dictatores* describe this ending as a sequence of four spondees. (Bene in the *Candelabrum*, Thurot, p. 485, and in the *Summa*, Rajna, p. 68; Bernard of Meung, Delisle, p. 182.)

from Orléans and of rules from Rome, with a few miscellaneous admonitions added for good measure, and that little or nothing of it came from the pen of Albert. This conclusion raises as many questions as it solves: why should the two styles have been confused? how did the name of Albert become attached to the *Forma*? and why did Peter of Blois, who had had every opportunity to study the *ars dictaminis* in France and Italy, write such an incompetent pastiche and sanctify it with the name of Rome? The answer can hardly lie in Transmundus' *Introductiones* because its treatment of the cadences is so different from that of Peter and the *Forma* and because it would be very hard to assign it a date earlier than that of Peter's work. Were it not for these objections, one could suggest the following sequence: Transmundus gave rules for the Roman cadences in the First Version. A French compiler, noticing that he had omitted to discuss initial and medial rhythm, added to the Second Version the only available rules on the subject. Both sets of rules then became known under the name of Transmundus and were thus connected with the Roman Chancery. Such may be the story, but the treatise that gave rise to it has yet to be found.³⁷

Commentary

The *Forma dictandi*

Only one copy of the *Forma dictandi* is known, the one which was prefixed as a kind of introduction to the abbreviated copy of the *Introductiones dictandi* of Transmundus preserved in Paris, Bibliothèque Nationale MS. Lat. 2820.

1. *cursus*: The modern use of *cursus* to designate the rhythmic cadences that mark the conclusion of *membra* is misleading. The *dictatores* used the term in two ways: (1) of the rhythmic flow of the whole period; (2) of the rhythmic cadences. This second meaning, adopted by modern scholars, is not common in the work of the early *dictatores*. Of the authors cited in this article, Lawrence of Rome is the only one, I think, who uses it in the modern way. Rajna attacked this 'abuso moderno' (pp. 17-21), which he blamed on Valois, and while admitting that mediaeval practitioners were concerned only with rhythm at the conclusion of the *membra*, — this would explain the absence of initial and medial rhythm in the papal correspondence, for instance, — he believed that the theorists, like their classical predecessors, were interested in the rhythm of the period as a whole. The meaning of *cursus* in the *artes dictandi* was essentially the same as in the writings of Cicero and Quintilian: 'Nella sostanza il senso rimane ciò che era nell' antichità' (p. 17).

37 The confusion in the text of Pontius of Provence (noted above, p. 455) is interesting too.

But this point of view is equally extreme. Examples of both meanings can be cited and the word deserves further study. It would be useful to know if the classical meaning was used by the earlier *dictatores* and *cursus* = 'rhythmic cadences' by the later; and if the classical meaning persisted in France longer than in Italy and is a characteristic mark of the French treatises.

dictaminis: 'composition'. *Dictamen* may mean 'composition', 'prose composition', or the 'composition of a letter'. (See E. de Rozière, *Formules inédites publiées d'après deux manuscrits des Bib. Roy, de Munich et de Copenhague* (Paris, 1859), pp. 7-8). Although *dictare*, 'compose a letter', is found as early as the work of Marculf (*ibid.*, p. 8), the broader meanings survived, perhaps in part because the mediaeval *dictatores*, regarding themselves as the successors of the classical rhetoricians, were reluctant to admit that they were concerned with so narrow a subject as the composition of letters and wished to set their work in a wider frame. (On this point, see E. H. Kantorowicz, 'Anonymi "Aurea gemma"', *Medievalia et humanistica* 1 (1943) 47-48.) Thus the author of the Bologna *Rationes dictandi* defined *dictamen* as a certain kind of artistic composition; then he distinguished three branches, *metricum*, *rhythmicum* and *prosaicum*; then he stated that he would be concerned with *dictamen prosaicum* only; but after a few lines on that subject, he narrowed his field to the composition of letters (Rockinger, pp. 9-10). One could cite as well Hugo of Bologna (Rockinger, pp. 54-55), the *Ars dictandi aurelianensis* (Rockinger, p. 103), the *Ars dictandi* of Thomas of Capua (ed. E. Heller, Heidelberg, 1929), the *Summa* of Conrad of Mure (Rockinger, pp. 419-420), and from the Orléans school, Bernard of Meung's *Summa dictaminis* (Delisle, p. 179). It seems best, then, to understand *dictamen*, when it occurs at the beginning of a treatise, in as wide a sense as the context will allow, and to translate *cursus dictaminis* here as 'prose rhythm'.

(In contrast to the pretentious introductions noted above, Ludolf of Hildesheim's blunt honesty is refreshing:

Sciendum autem quod dictamen, epistola, charta, litterae, quantum ad praesens opus synonyma sunt et alterutrum pro altero ponitur indifferenter. [Rockinger, p. 359].)

2. *uersum* = *periodum*, as frequently. See the *Forma*, l. 16 and Transmundus, ll. 10-11; and for additional examples, Rajna, pp. 25-26. Rajna suggested that *uersus* was used in France, introduced there by Albert of Morra's work, and that *clausula* was the corresponding term used in Italy.

bene currit: Rajna (p. 33) and di Capua (p. 60) have emended the text to *non bene* on the evidence of Peter of Blois (l. 4) and Transmundus (l. 18). Further confirmation is found in the work of Bernard of Meung: '... uersum nostrum frequenter incipimus a spondeis, non ab uno, sed a pluribus ...' (Delisle, p. 182) and 'A spondeis est licitum uersus initium exordiri; nec ab uno tantummodo ...' (Delisle, p. 183); and in the *Summa* of Bene, '... uersum semper incipiunt ...' (Rajna, p. 68).

dactylus: Ancient writers on quantitative prose rhythm used the vocabulary of quantitative metre; French mediaeval writers on accentual prose rhythm did the same, adapting the quantitative terminology to a new use. (For definitions of accentual dactyls and

spondees, see n. 19.) Bene of Florence, writing for Italian readers, feared misunderstanding and qualified the terms *dactylos* and *spondeos* with *imaginarios* (Thurot, p. 483). The author of the *Forma dictandi* was also aware of the novelty and excused the innovation by *quasi*, 'a virtual dactyl' (l. 15).

4. *dictione trisyllaba cuius media sit producta*: an Italian equivalent of the *spondeus et dimidium* (See, e.g., Pontius of Provence, Thurot, p. 481.) Cf. Bernard of Meung, '... ad minus ab uno et dimidio spondeo incipimus, ut hic "magister militum"' (Delisle, p. 182).

producta: Like *dactylus* and *spondeus*, *productus* was taken over from classical prosody and is found in the writings of the *dictatores* with two meanings: (1) 'long', as in classical prosody (cf. *productionem* in the passages quoted from Bernard of Meung and the *Candelabrum*, above p. 451); (2) 'accented', as in Peter of Blois, l. 5, 'cuius media producto accentu profertur', an expansion of the *media producta* of the *Forma*. In spite of Peter's gloss, or perhaps because of it, *producta* in the *Forma* should be translated as 'long'. Both meanings are possible since whenever it is used (ll. 4, 17 and 23), it always refers to the penultimate syllable, which must be long in order to bear the accent. But by the phrase 'qualiacumque sint earum tempora' (ll. 19-20), the author revealed that in his mind classical usage was still strong, and 'long', therefore, seems the more appropriate meaning.

6. *Cauendum ... reddit*: Because this statement is placed between two rules for initial rhythm, one might infer that it too applied to the beginning of the sentence; but comparison with the work of other *dictatores* shows that the rule was to be observed throughout the sentence. (Cf. Master William, ... *plures dictiones dactylicas* ... Thurot, p. 481; the *Candelabrum*, *Plures spondei continuari* ... Thurot, p. 484; and Bernard of Meung, ... *in prosa plures spondeos* ... Delisle, p. 182.)

quia nimis sunt ueloces: The classical equivalent is found in Quintilian, *Inst.* 9.4.91: '[breues syllabae] si miscentur quibusdam longis, currunt; si continuantur, exultant.' (Cf. Martianus Capella, 5.518: 'item penitus fugiendum breues syllabas continuare quam plures')

9. *Si uersum ...*: The *Forma* is unusual in permitting an initial dactyl. Transmundus discouraged it (l. 25); Pontius of Provence (*Debes enim incipere* ...; Thurot, p. 181), Bernard of Meung (*Sed uersum nostrum* ...; Delisle, p. 182), and Bene in the *Summa* (*A dactylo uero* ...; Rajna, p. 68) forbade it with the exception of certain conjunctions; and Master William (... *neque clausula* ...; Thurot, p. 481) and Bene in the *Candelabrum* (*Nullus autem uersus* ...; Thurot, p. 484) forbade it outright.

11. *post punctum, uel post metrum ut ita dicam* ...: Valois identified *punctum* and *metrum* with the *subdistinctio* or *comma* and the *media distinctio* or *colon*, and understood the phrase to mean 'after the comma and colon' (p. 182 n. 1). (He cited the meanings as from the *Commentum super Priscianum* of Petrus Helias (Thurot, p. 408), but they are, in fact, those of Alexander of Villedieu (Thurot, p. 409). Helias identified *punctum* with the

media distinctio and *metrum* with the *subdistinctio*.) But this explanation does not account for the apologetic *ut ita dicam*, 'if I may use the expression'.

I would prefer to understand *punctum* and *metrum* as alternative (*uel*) synonyms for *clausula*, the one drawn from the vocabulary of prose, the other from that of poetry. *Punctum*, 'the point that marks the end of the *membrum*', a good prose word, can be used without apology; but *metrum*, 'a rhythmic unit', has been introduced from poetry as were *dactylus*, *spondeus* and *producta*, and needs the deprecatory *ut ita dicam* to excuse the harshness of innovation. (Rajna (pp. 34-35) suggested a similar interpretation, but believed that *metrum* was liturgical in origin from its use as the pause in a liturgical verse; see Du Cange, s.v.)

melius est incipere ...: Comparison with similar rules suggests that a phrase like '... si clausula terminetur in dactylum ...' should be supplied before '*melius est incipere*'. (See *ffliam* and *nequítia* in the example, and cf. Bernard of Meung, *Si prima clausula ... de reliquis* ..., Delisle, p. 182; the *Candelabrum*, ... *si prima distinctio* ..., Thurot, p. 484; and Peter of Blois, *Si media distinctio* ..., l. 8.) In Bernard of Meung, as in the *Forma*, the rule is to be applied at the beginning of every *membrum* in the sentence. This would seem more reasonable than restricting it to the *subdistinctio*, as in the *Candelabrum*, or the *media distinctio*, as in Peter of Blois.

13-14. *impudicae ... impudica*: The punctuation of the manuscript divides the period after *nequítia* and *ffliam*, given the three cadences, *mátris nequítia*, *corrúmpit ffliam*, and *hábuit impudíca*, which conform to the Gallic rule that *clausulae* should end either with two spondees preceded by a dactyl or with a dactylic word. *Corrúmpit*, a spondee-and-a-half, and *ét uix* are the initial spondees that illustrate the rule.

(On *et uix* see the notes on monosyllables in Pontius of Provence (Thurot, p. 481), and Bene in the *Summa* (Rajna, p. 62), and in the *Candelarum* (Rajna, p. 63); also Valois on 'binary movement', pp. 176-77 and Thurot, p. 399.)

14. *facere*: Cf. *sapere* in Peter and Transmundus, which gives a better meaning.

15-25. The *cursus uelox*, the longest cadence of the Roman style, covers seven syllables. A caesura between the third and fourth syllables is strictly observed and the accents fall on the first and sixth syllables (´ - - || - - ´ -). A light accent may be felt on the fourth syllable as well, especially if two disyllabic words replace the regular quadrasyllabic word after the caesura (e.g. *nìmis dúre*, l. 21; but cf. the note on Transmundus ll. 1-4, below). If the second part of the cadence is composed of more than one word, these words should form a syntactical unit, e.g. *dfrígat || grèssus súos, sollicitos réddimus || et atténtos*, and *iudíciū || non amíttit*. These examples are from the letters of Gregory VIII, whose work, even if he did not write the *Forma*, should illustrate good Chancery usage. (For a list of the natural syntactic units, see Lindholm, pp. 28-34, 'Proklisis und Enklisis'. Lindholm's examples are drawn from mediaeval and renaissance writers and show a greater variety of *consyllabificatio* than I have described. Later usage would appear to have permitted more freedom than was approved in the late twelfth century.) The three syllables before the caesura should not be divided. *Ab omnibus dígnus es || honorári*, from the Bologna

Rationes dictandi (Rockinger, p. 10) and *ad optimam ulam te || reuertísse* from Amianus Marcellinus (Clark, *The Cursus in Mediaeval and Vulgar Latin* (Oxford, 1910), p. 11) illustrate how the flow of the rhythm is broken by such a division. (But see also the examples cited by Gervais of Melkley and regarded by him as permissible: *Ars poetica* (n. 19 above), p. 220 ll. 7 and 9.)

The distinctive mark of the *cursus uelox*, suggested by its name, is the succession of four unaccented syllables.

24-25. *Pullos ... ad uolatum*: The rhythm of this example is also French.

26-29. The *cursus planus*, as its name implies, is the simplest cadence of the Roman style. It extends over five syllables. A caesura between the second and third syllables is usual, but numerous examples occur with the break between the third and fourth. The accents fall on the first and fourth syllables (´ - || - ´ -, and ´ - - || ´ -).

The description of the *cursus planus* given in the text is faulty. (1) A comparison with Peter's *Libellus* shows that two phrases are missing from the text, *mediis productis* (l. 15) and *media producta* (l. 16). These should be restored since it is not simply the number of syllables in a word that determines the cadence but the number of syllables and the position of the accent. (2) The description omits *consyllabatio*, yet examples such as *uideátur || in súmmo, coéli || in térra* and *córde || non lúget* (from Gregory's letters) show that the trisyllabic word after the caesura could be replaced by a monosyllable and a disyllable. (But cf. Transmundus, quoted below p. 464.) This was stated by Lawrence of Rome:

Quod si dictio trisyllaba non occurrat, per dictionem monosyllabam praecedentem et finalem bisyllabam potest fieri supplementum, ut *tunc uere perueniuntur || in finem*.

(Thurot, p. 482)

(3) Phrases like *exsultatiónem || indúcat* and *impediámur || incúrsu* (again from Gregory's letters) show that the penultimate word of the cadence may be composed of more than three or four syllables.

Rajna suggested that a definition of the *cursus tardus* is lacking in the *Forma* 'through a fault in the transmission' (p. 38). It would not be the only one. For a description of the cadence, see below p. 464.

Peter of Blois, *Libellus de arte dictandi rhetorice*

1. *distinctionum* = *clausularum*. *Distinctio* first meant the pause in speech which marks the logical break in the thought of the sentence; then the punctuation mark that indicates the pause; then, as here, the parts of the sentence distinguished by the punctuation marks.

cadentias ... discernunt: There is little evidence to support Peter's claim that he was about to reveal a secret guarded by the Roman notaries. The cadences were known and practised from the Roman period by writers of many professions and interests (A. C.

Clark, *The Cursus in Mediaeval and Vulgar Latin* (Oxford, 1910), passim), and the early *dictatores*, although they have not left descriptions of the cadences, recognized rhythm as one of the characteristics of *prosa artificialis*. Examples are found everywhere in their works.

It is true, however, that the style practised at the Papal Chancery was distinctive and was one method of checking the authenticity of papal documents. Celestine III wrote:

... si quas tales ualueritis reperire, quas cognoscere poteritis ex comparatione bullae
et qualitate stili ... (Jaffé, *Regesta* 17645)

and Innocent III included style (*in modo dictaminis*) in a long and detailed list of the marks that distinguish genuine papal documents (Potthast, *Regesta* 365). But one should not assume that the terms *dictamen* and *stilus Romanus* are synonymous or that they are the equivalent of *cursus*. R. L. Poole, for example, appears to do the latter in *Lectures on the History of the Papal Chancery* (Cambridge, 1915), p. 156, where he paraphrases Innocent's expression *in modo dictaminis* with the words, 'the rules of Dictamen, the observance of the Cursus'. When Bene wrote in the *Candelabrum*

Nos uero secundum auctoritatem romanae curiae procedemus, quia stilus eius cunctis planior inuenitur (Thurot, p. 483),

he was introducing a description of the Roman cadences; but when Thomas of Capua said in praise of the Curia,

... usque scilicet ad speciem ornati dictaminis et decorem, in quo et per quod totius litteratorum professionis noscitur florere facilitas

(*Ars dictandi*, ed. E. Heller, Heidelberg, 1929, p. 11)

he was thinking not simply of the cadences, which were little more than stylistic tricks readily learned, but of all the mannerisms of style summed up by the *dictatores* in the word *appositio*. To write this style required training and practice and an unskilled forger would almost certainly fail in some way. Celestine and Innocent probably intended *appositio* and not *cursus* in the letters quoted above, and their remarks should not be used as evidence to support Peter's claim.

Heathcote suggested that the statement could 'only apply to the stricter usage favoured there', that is, at the Papal Chancery (p. 54); but she gave no evidence for believing that the practice of the papal notaries at the time that Peter wrote was stricter than that of notaries and *dictatores* elsewhere. Perhaps we have here only an idle boast, intended to impress the *ultimos Britannos*, whom Peter did not view with charity after their jealousy had lost him his position as Chancellor to the archbishop of Canterbury.

9. *uix ... impudica: quam máter = spondeus et dimidium*. Like the corresponding example in the *Forma*, this sentence conforms to the French rhythm: *puďícam sápere ... génuit impudfca*.

Rajna suggested that *uix* should be emended to *uis* and the example be understood as a question; but this is not necessary if the example is taken as an abbreviation of that in the *Forma*. Because Peter's rule was given for the *media distinctio* he did not need to transcribe *impudica ... et*.

11. No rule for accent is given, but if the examples were imitated exactly, the proper rhythm would result.

12. *et hae cadentiae ... competentes*: If this sentence were exchanged with *et notandum quod ... confirmatur*, ll. 17-18, the sense of the passage would be improved and a good definition of the *cursus uelox* presented to the reader.

14. Bene stated in the *Candelabrum* that monosyllables and words of more than four syllables could not be placed last in the Roman style (see n. 36). With a few exceptions this rule was observed. Valois (p. 186) noted that the salutation was exempt from the rules of the *cursus*, e.g. the pontifical salutation, *salutem et apostolicam benedictionem*, and R. L. Poole found a number of 'sonorous phrases' that were employed occasionally, 'but not in the purest period of the Chancery' (*Lectures on the History of the Papal Chancery*, p. 93).

14-17. *quandoque duabus ... audebo*: Peter's definition of the *cursus planus* shares the weaknesses of that given in the *Forma*: it limits the length of the penultimate word and it does not describe the possible forms of *consyllabificatio*, nor the form ' - - || ' - - , although this is easily found in Peter's letters (e.g. *aegritudine* || *tactus*, from no. 150 in Giles's edition, Oxford, 1847).

Transmundus, *Introductiones dictandi*

Two versions of Transmundus' *Introductiones dictandi* are extant.³⁸ The earlier is preserved in four manuscripts, two of which give abbreviated texts. The later, revised and enlarged, survives in at least eight manuscripts. The earliest of these and one of the most carefully written, Troyes, Bibliothèque municipale MS. 893, was used for the text printed above. The other manuscripts have been collated with it and no significant variants appear. From the evidence of a passage of a letter quoted in the section *Flores eloquii* we can say that the Early Version dates from shortly after 1206. Letters in the formulary that accompany the Second Version suggest that it was composed about ten years later.

These dates are appropriate to the little that we know of Transmundus' life. He was a distinguished notary at the Papal Court when Albert of Morra was Chancellor. He reached the climax of his career in 1185-1186 when, as proto-notary, he signed the papal documents in Albert's absence. He appears to have left the Curia shortly after this and to have ended his life as a monk at Clairvaux. (See

³⁸ Heathcote suggested several ways in which the early manuscripts of the *Introductiones* might be related (p. 85). My own collation of the manuscripts, in preparation for the publication of a text and translation of the work, has produced a different result and is responsible for the brief description that follows. I shall discuss the subject fully in the introduction to the published text.

Heathcote, pp. 43-46 and 86-89.) It is quite possible that he composed a basic *dictamen* before he ever left the Papal Court, and special Clairvaux material, such as the Cistercian salutations included in the Second Version, could have been added in later years. We must be careful, therefore, not to assign to the work a fixed date nor to use it as evidence when arguing chronological questions.

It is clear that Transmundus must have known Albert of Morra well. It is also clear that the writings of the two men were associated (see Hugo's letter, n. 33 and the headings in Paris, Bibliothèque Nationale MS. Lat. 2820), and that the discussions of initial and medial rhythm attributed to Albert in the *Forma* and given by Transmundus in the *Introductiones* are virtually the same. Thus the passages seem to support one another and to offer a well authenticated statement of the practice of the Roman notaries in the late twelfth century. But as we have seen, their testimony cannot be accepted without examination, and the material that they have preserved is at once more complex and less authoritative than a first reading would suggest.

The few notes that follow are supplementary to those already given in the commentaries on the *Forma* and the *Libellus*.

In the introduction to his work Transmundus stated that he would compose his treatise as a letter in the ornate style (*per appositionem*) so that it would in itself serve as an example of the precepts that he wished to teach. The first extract cited in this article, ll. 1-17, is so written, with due attention paid to the cadences. The second, copied closely from the *Forma* or their common source, provides an example of *recta constructio*.³⁹

1-4. A warning against the kind of *consyllabificatio* exemplified in the *Forma* by *ágere || n̄mis dúre* and in the *Libellus* by *|| d̄ignum dúco*. These, by producing a secondary accent, 'hold back the rhythmic flow of the composition', to translate a line from the passage quoted below. Transmundus' letters show many examples of *consyllabificatio* of the type *próuenit || ad exéplum* and *roboráuit || ad fórtia* in which the monosyllable and trisyllable form a single rhythmic and syntactic unit and a secondary accent is not produced. Transmundus returned to this point later in his treatise, as if it merited special emphasis, and wrote:

Verba trisyllaba in fine uel circa finem melius collocantur, nam disyllaba uel monosyllaba illuc applicari ratio dictandi non patitur ne illorum obstaculo cursus dictaminis remoretur. habeant igitur potius ista principium et illa dirigentur ad finem quae largiori passu cursitant suffragio syllabarum. (fol. 1vb)

39 Much of the *Introductiones dictandi* is written in the periodic style, including sections which one would have thought impossible to compose in so ornate a manner. The *recta constructio* of this passage may prove that it was not inserted in the text by Transmundus, but I have not yet studied the style of the work with sufficient care to be able to affirm that this is so.

trisyllabis uel polysyllabis: Since Transmundus did not conclude sentences with words of more than four syllables, *polysyllabis* should perhaps be emended to *tetrasyllabis* and the phrase treated as a clarification of the Early Version's 'ut polysyllabis dictionibus terminentur'.

5-9. *obseruandum ... uigorem*: This neat description of the *cursus planus* defines the position of the accents and does not limit the length of the penultimate word. Because Transmundus did not admit monosyllabic or disyllabic words in the final position it was not necessary for him to treat *consyllabatio* or to mention the alternative position of the caesura, ' - - || ' - -.

10-17. *si uero ... et cetera*: This elegant rule comprises both the *cursus uelox* (exemplified by *perseuerántiae || fundaméntum*) and the *cursus tardus* (implied in *econuerso* and exemplified by *dissolúta || transfúgium*).

The *cursus tardus* covers six syllables with the accents on the first and fourth, and the caesura normally occurs between the second and the third (' - || - ' - -). (The variant ' - - || ' - - is noted by di Capua, p. 67 and by N. Denholm-Young, *Collected Papers on Mediaeval Subjects* (Oxford, 1946), p. 71, where it is called the *cursus medius*. The rhythmic effect resulting from this caesura is quite different.) Its name may come from the fact that it has two syllables after the second accent, in contrast to the *planus*, *uelox* and *trispondaicus*, which have one each. It was used with great frequency by Gregory VIII and Transmundus, and if their practice was typical of the Papal Chancery, its other name, *ecclesiasticus*, is readily understood. Di Capua suggested that the *cursus tardus* had not been described in the *Forma* because it was used less frequently than the other two: '[Alberto] diede le regole per chiudere i periodi con il *cursus uelox* e il *cursus planus*, le due cadenze più comuni e più frequenti' (p. 60). But the practice of contemporary writers and his own statistics (see tables, *passim*) do not support this view. (See also the tables of frequency compiled by Lindholm, *passim*.) If any explanation is needed for its omission from so fragmentary a work, then Rajna's is sufficient (see above on the *cursus planus*, p. 461).

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THE TOWN-GOWN CONFRATERNITY OF ST. THOMAS THE MARTYR IN OXFORD

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SOME recent discussions of popular religion in the later Middle Ages have shifted the emphasis away from the more spiritual concept of piety to the role of religious practices in social organization, and within this new context the function of the religious guild or confraternity must inevitably play a major part.¹ Thus, rather than ask, for example, whether such an association tended to strengthen orthodoxy or to encourage heterodoxy, we may wish to ask instead whether it promoted social integration, enhanced social control or provoked social conflict. Obviously, the two sets of questions are not unrelated. However, in the present state of our knowledge it might be wise to treat them separately on the principle of progressing from the simple to the complex — but always with an eye to their final reunification. This paper, therefore, deals only (or primarily) with the social history of one confraternity within what was certainly not the most harmonious or peaceful late medieval urban community, Oxford.

Late medieval Oxford society was dominated by three major groups.² First, there were the freemen or burgesses, also called 'hanasters', who were members of the Gild Merchant and who formed the political community of the town. Second, there were the scholars, that is members of the academic community, both teachers and students. Third, there were the privileged persons, servants of the university, colleges, halls and individual scholars or practitioners of certain trades such as bookbinding, who enjoyed the privileges of the university without being themselves 'scholars'. But, in spite of these legal and occupational distinc-

¹ See, for example, *The Pursuit of Holiness in Late Medieval and Renaissance Religion*, ed. Charles Trinkaus and Heiko A. Oberman (Studies in Medieval and Reformation Thought 10; Leiden, 1974), especially the articles by A. N. Galpern, 'The Legacy of Late Medieval Religion in Sixteenth Century Champagne' (pp. 141-76) and Richard C. Trexler, 'Ritual in Florence: Adolescence and Salvation in the Renaissance' (pp. 200-64), as well as the critique by Natalie Zemon Davis, 'Some Tasks and Themes in the Study of Popular Religion' (pp. 307-36).

² For information on this and related topics see my *Some Social and Institutional Aspects of Town-Gown Relations in Late Medieval and Tudor Oxford* (Diss. Toronto, 1973), especially Part B, pp. 93-299.

tions, we can trace a variety of interconnections, both social and economic, among all the groups which formed the local community. On the other hand, institutional manifestations of this 'interconnectedness' were rare, and it was, essentially, only through common religious practices that new associations were formed which included all segments of local society. One of these was the parish although this link was progressively weakened by the increasing role of the colleges within the university and the corresponding resort by the academic community to college chapels.³ Perhaps, then, the most durable institutional expression of this social 'interconnectedness' was the parish guild or confraternity of St. Thomas the Martyr which flourished for nearly two centuries in the university church of St. Mary the Virgin.⁴

In the late spring of 1349 during the first visitation of the plague (*in prima pestilencia*) two Oxford residents, Alan de Kylyngworth and Adam the Bookbinder,⁵ made special dispositions of their properties in anticipation of their deaths. By his will dated 17 April 1349, Adam left an Oxford tenement acquired from his father to the altar of St. Thomas in the church of St. Mary the Virgin.⁶ Alan's will, dated 3 April 1349, was a bit more complicated.⁷ He left three tenements in Oxford as well as 20/- in rent and 2 ½ acres of suburban meadow to his wife, Denise, for her lifetime. At her death it was all to pass to Dns. Robert de Tirlyngton, chaplain, who was also to enjoy the property for life. Finally, at his death it was to go to Henry de Malmesbury, another Oxford man, who was to

3 Although not completely: see A. B. Emden, *An Oxford Hall in Medieval Times* (Oxford, 1927), pp. 202-203, for some information on this. Of course, privileged persons continued to take part in parish life. For example, they regularly served as churchwardens.

4 The topic of parish guilds or confraternities has not received any detailed study, in English at least, since H. F. Westlake, *The Parish Guilds of Mediaeval England* (London, 1919). A convenient recent survey is provided by W. R. Jones, 'English Religious Brotherhoods and Medieval Lay Piety: The Inquiry of 1388-89', *The Historian* 36 (1973-74) 646-59, who emphasizes the need for social analyses of guild memberships (654). Cf. also Francis Rapp, *L'église et la vie religieuse en Occident à la fin du Moyen Age* (Nouvelle Clío 25; Paris, 1971), pp. 128-29, 25-27. There is a short, useful section on Oxford chantries and confraternities in H. E. Salter, *Medieval Oxford* (Oxford Historical Society Publications 100; Oxford, 1936), pp. 122-29.

5 The spellings of all names have been regularized, when possible, according to the Index of H. E. Salter, *Survey of Oxford*, ed. W. A. Pantin and W. T. Mitchell, 2 vols. (Oxford Historical Society Publications 14, 20; Oxford, 1960-69) for townsmen and privileged persons and according to A. B. Emden, *A Biographical Register of the University of Oxford to A. D. 1500*, 3 vols. (Oxford, 1957-59) and idem, *A Biographical Register of the University of Oxford, A. D. 1501 to 1540* (Oxford, 1974) for scholars. These works are hereafter referred to as: Salter, *Survey* 1, 2 and *BRUO* (—1500), *BRUO* (1501-40).

6 *Liber albus civitatis Oxoniensis*, ed. W. P. Ellis and H. E. Salter (Oxford, 1909), no. 117, pp. 43-44 [hereafter: *Liber albus*]. For details of this and other properties see Salter, *Survey*, sub nomine and under 'Corporate Landlords' (St. Thomas in St. Mary the Virgin). The will was proved 15 May 1349.

7 *Liber albus*, no. 128, pp. 47-48. Proved 5 June 1349.

sell the properties and apply the monies to the chantry of St. Thomas in St. Mary the Virgin. It seems reasonable to assume that Tirlyngton, who was instituted as vicar of St. Mary the Virgin in August 1349, shortly after Kylyngworth's death, and who was certainly dead by early 1351, was the chaplain serving St. Thomas' altar at this time.⁸ We do not know precisely when Denise Kylyngworth died, but, as we shall see, it is unlikely that she long survived her husband. Accordingly, the properties must have passed to Henry de Malmesbury for sale not later than early 1351, possibly much earlier.⁹

At about the same time Nicholas Garland, who was serving as a bailiff of Oxford in the spring of 1350,¹⁰ made a more elaborate provision for the chantry. In January 1350, he obtained a royal license to alienate certain properties in mortmain to provide for two chaplains celebrating Mass daily at the altar of St. Thomas.¹¹ Under the terms of the license the priests were to say Mass daily for the benefit (*pro salubri statu*) of Nicholas Garland himself and Henry de Malmesbury while they lived (*dum vixerint*) and for their souls after their deaths as well as for the souls of Alan de Kylyngworth and Denise, late his wife (*quondam uxoris eius*), Mag. John de Hegham, Adam the Bookbinder, and the souls of all their ancestors as well as of all the faithful departed.¹² It is clear that by this date, 12 January 1350, only Garland and Malmesbury were still alive.

We have already seen how Adam the Bookbinder and Alan de Kylyngworth had provided for the chantry in their wills of early 1349. Moreover, Henry de Malmesbury had been entrusted with the sale of Kylyngworth's properties. Mag. John de Hegham, the rector of Milbrok (Hants.), was still studying in Oxford in the autumn of 1348, but, as this document and other information indicate, he must have died in the plague year, 1349.¹³ He seems to have had close local connections in Oxford.¹⁴ Therefore, we have before us a small group comprising a

8 *BRUO* (—1500), sub nomine.

9 See n. 11.

10 *Oriel College Records*, ed. C. L. Shadwell and H. E. Salter (Oxford Historical Society Publications 85; Oxford, 1926), p. 134 (28 April 1350) [hereafter: *Oriel Records*].

11 *ibid.*, pp. 422-23. The endowment includes 20/- in rent and a tenement in St. Ebbe's which seem to be the same as those left by Kylyngworth (see Salter, *Survey* 1.139 [NE 180] and 2.55-56 [SW 61]). This may indicate that Malmesbury had already disposed of the properties by the end of 1349 and that Denise and Tirlyngton were dead by then.

12 These are typical chantry provisions. See K. L. Wood-Legh, *Perpetual Chantries in Britain* (Cambridge, 1965), esp. chap. 3 ('The Process of Foundation'), pp. 30-64.

13 *BRUO* (—1500), sub nomine.

14 In early 1349 he was left a tenement in the parish of St. Michael's Southgate by John de Warmeston, a resident of the Northeast Ward who occurs as a regrater of ale in October 1348 (*Liber albus*, no. 107, p. 41; *Mediaeval Archives of the University of Oxford*, ed. H. E. Salter, 2 (Oxford Historical Society Publications 73; Oxford, 1919), p. 248 [hereafter: *Medieval Archives* 2]). Hegham probably died before he could take possession.

burgess and town officer, Nicholas Garland; two other Oxford residents, probably burgesses as well, Alan de Kylyngworth and Henry de Malmesbury, together with the wife of the former, Denise; a privileged person, Adam the Bookbinder; and a scholar, Mag. John de Hegham, all bound together by the fear of imminent death and a common devotion to St. Thomas. Moreover, the townsmen were joined to one another (apparently) by common economic and geographical bonds. In the last pre-plague assize of ale to survive (October 1348), Alan de Kylyngworth and Nicholas Garland are listed as brewers in the Northeast Ward and Henry de Malmesbury as a brewer in the Southeast Ward.¹⁵ Probably all lived in this area near the church of St. Mary the Virgin, and their occupations point to further connections with the university.¹⁶ The origins of the *chantry* of St. Thomas the Martyr are clearly to be sought in the web of social relationships binding the university and the town.

The same seems to be true of the guild of St. Thomas. An account of its origins is provided by the certificate returned in 1389 by the proctors of the fraternity.¹⁷ The document begins with a reference to the license obtained by Nicholas Garland, 'iam defunctus', and its provisions, but it does not mention the bequests of Adam the Bookbinder or Alan de Kylyngworth. It then goes on to say that after the first visitation of the plague and the consequent loss of population, the value of Garland's properties declined to a point where they were insufficient to maintain one chaplain, much less two.¹⁸ In consequence, 'certain men and women of honest conversation, moved by charity', formed a fraternity, the purpose of which was to provide supplementary revenues so that a priest might be maintained in the chantry to the end that scholars of the university and other strangers coming there and staying through the night (*alii extranei ad eandem Universitatem confluentes et ibidem pernactantes*) might be able to hear a Mass between the fifth and sixth hour of the morning. An entrance fee of one noble (6/8) was charged by the fraternity, and this revenue was immediately applied towards the 'ornamenta et alia necessaria cantarie predictae'. Unlike the two

15 *Mediaeval Archives* 2.249-50. If the amounts of their fines, 18*d.* apiece, are an indication of their importance, then all three were among the ten most prominent brewers in Oxford.

16 Henry de Malmesbury, for example, was an executor of the will of Robert de Appelby, a prominent bedell (*Liber albus*, no. 127, p. 47; cf. *BRUO* [—1500] sub 'Appelby'). Dated 9 May 1349; proved 5 June 1349.

17 The document, Public Record Office, London C. 47/45/391, is printed in *Oriel Records*, pp. 420-22. A calendar of this and other Oxford certificates is printed in an Appendix to Westlake, *Parish Gilds*, p. 223.

18 The properties were originally valued at 29/4 per annum (*Oriel Records*, p. 423) plus the 20/- in rent. The certificate alleges mismanagement as an additional cause of the financial difficulties. These problems were common to many chantries in this period, not so much, it seems, due to falling incomes as to the rising wages of the chaplains (Wood-Legh, *Perpetual Chantries*, chap. 5 ['Impoverished Chantries'], especially p. 93).

other Oxford guilds for which certificates from 1389 survive, the fraternity of St. Thomas was not a mutual benefit society.¹⁹ However, it did have a communal life. Each year on the vigil of St. Thomas' Day (29 December) the members gathered in St. Mary the Virgin for services. The next day, the feast day itself, they came together again to hear Mass and to make a free-will offering. Then they held a common meal (*convivium*) which each member paid for out of his own pocket (*de bursis suis*). They attended members' funerals and there made small distributions (1d. apiece) to the poor. Each year they elected (two) proctors who handled the common funds and who accounted yearly at Michaelmas (29 September) before the Provost of Oriel College which was the rector of St. Mary the Virgin. At the time of the certificate the guild had no properties of its own, but it held £ 5 in common funds and the 'ornamenta altaris Sancti Thome'.

Although the certificate seems to be accurate with regard to the internal structure of the guild itself, it does not provide a satisfactory account of the origins of the guild or of its precise relationship to the chantry, problems which are closely related to one another. For example, the certificate implies that Nicholas Garland had carried out his donation under the original license of 1350. However, things seem to have been more complicated than this because as late as 1392 the properties were in the hands of four feoffees who, on 1 December, transferred them under a new royal license to Oriel College which was to find the chaplain and provide the equipment.²⁰ Almost immediately then, on 18 December, Oriel leased the properties for 100 years to two men, their executors and assigns, on the condition that they carry out the obligations of the donation of 1 December.²¹ These were surely the incumbent proctors of the guild, since their successors held the properties and paid the chaplain at a later date.²² It is possible that the four feoffees as well were members of the guild, implying a closer relationship between the guild and the chantry than the certificate would allow. Moreover, we know that the two key men from the period of the original endowment both survived

19 See the certificates for the guilds of the Blessed Virgin Mary in All Saints' and in St. Ebbe's (Public Record Office, London C. 47/45/389, 390; cf. Salter, *Medieval Oxford*, pp. 127-28 and Westlake, *Parish Gilds*, p. 223). But see *Oriel Records*, p. 151, for a possible move in this direction in 1407.

20 *Oriel Records*, pp. 148-50. The license is dated 27 September 1392. Feoffments to uses were a common means to avoid the necessity of a license to alienate in mortmain (Wood-Legh, *Perpetual Chantries*, p. 49). The activities of 1392 were certainly connected with the new Statute of Mortmain of 1391 which, *inter alia*, included rents as well as properties (*ibid.*, pp. 48-49; cf. A. H. Thompson, *The English Clergy and Their Organization in the Later Middle Ages* [Oxford, 1947], p. 136).

21 *Oriel Records*, p. 150.

22 See the accounts for 1483/84 and 1530/31 listed below (n. 26). *Oriel Records* does not include any renewal of the lease.

the plague. Henry de Malmesbury died in 1361.²³ More importantly, Nicholas Garland can be traced into the mid-1370's when he was still living in the parish of St. Mary the Virgin although he was dead by the end of 1380.²⁴ Probably Garland himself retained the properties until his death when they were entrusted to feoffees, and this may establish a direct link between the endowment of the chantry and the foundation of the guild. That is to say, when Garland saw that his properties would not be sufficient to carry out his initial intention, he (and his wife?) joined with other 'men and women of honest conversation' (including Malmesbury?) to establish the fraternity. If this is so, and it seems likely, it also helps to explain the additional emphasis of the guild. It would be difficult to form a society to support an obit for Adam the Bookbinder and Mag. John de Hegham, but a common goal such as the spiritual sustenance of scholars and other academically connected 'strangers' would flow naturally from the ethos which we have identified as characterizing the initial chantry foundation.

We know little else about the early membership of the fraternity. Various sources such as the University Chancellors' Registers give us the names of some fifteenth-century proctors,²⁵ but it is not until the latter part of the century that we have a substantial list of members' names. Although no membership lists survive (probably none were ever kept), the proctors' accounts for two years, 1483/84 and 1530/31, are preserved in the Bodleian.²⁶ These accounts supply us with a large number of names under three headings. In 1483/84 thirty-five persons are listed under the rubric 'Fraternitas', that is, new members charged their entrance fee. By this time the fee had been reduced from 6/8 per person to 3/4 or 6/8 per couple, since a large number of husbands joined with their wives (or vice versa). Of these thirty-five, twenty-nine occur again under the 'Nova Arreragia fratrum et sororum' for various amounts ranging from 20d to 6/-.²⁷ This indicates that most new members did not pay the full fee at once but were either subsidized or granted a deferment by the guild. A third group of seventy-three persons occurs

²³ See Salter, *Survey* 2.196, 202.

²⁴ *Oxford City Documents, Financial and Judicial, 1268-1665*, ed. J. E. T. Rogers (Oxford Historical Society Publications 18; Oxford, 1891), p. 47 [hereafter: *Oxford City Documents*]. By this time he was married to Juliana, widow of Thomas de Scampton of Unicorn Hall, who (Thomas) had probably died in the plague (at least Salter suggested that Juliana remarried c. 1352; cf. *Survey* 1.125). Juliana Garland occurs alone as a brewer with three servants in the Northeast Ward in 1380/81 (*Oxford City Documents*, p. 22).

²⁵ See *Registrum cancellarii Oxoniensis, 1434-1469*, ed. H. E. Salter, 2 (Oxford Historical Society Publications 94; Oxford, 1932), pp. 89 (1462), 297 (1468) [hereafter: *Registrum cancellarii* 2].

²⁶ Bodleian Library, Oxford MS. Rolls Oxon. 14 (1483/84) and MS. D.D. Par. Oxf., St. Mary the Virgin, e.1. (R) (1530/31). The latter, for 1530/31, is miscatalogued as churchwardens' accounts. Both begin the year on Michaelmas (29 September).

²⁷ All those listed under 'Nova Arreragia' also occur under 'Fraternitas'.

under the heading 'Antiqua Arreragia fratrum et sororum'. These are the persons whose accounts had stood in arrears into a second year at least. We do not know how long a person would be maintained on this list, but it seems reasonable that the greater part of these debts was still considered (theoretically) collectable, and, indeed, a large number, possibly all, of these persons would still be active in the guild. Adding the two proctors we will hardly go far wrong in estimating the effective membership of the guild at this time at about 75 to 100, probably more. This is, in fact, a minimum estimate, since it is based only on persons in arrears although this must have been a substantial portion of the membership, since it includes persons who were obviously prosperous.

By 1530/31 the size of the guild seems to have declined. Under the heading 'The New bretheryn', we find only four persons, all male, although in two cases wives may be added, since 6/8 is charged against the names rather than 3/4. Under 'The old rearrages of the bretheryn' — the names under the new arrears are those of the four new members — we find an additional forty-four names. Although two women, both married, are found in this list, no husbands and wives occur here either. We must assume, therefore, that couples were not listed as such in the accounts at this time. It is difficult to say how many persons have been omitted in this manner, but it is hard to imagine that they would bring the total number above that of 1483/84.²⁸ Indeed, it would likely be lower. Moreover, the number of new admissions is drastically lower (4 [6?]: 35) although it is impossible to establish a reliable standard from only two years. Still, it seems probable that we are, in fact, witnesses to a decline in numbers in comparison with about fifty years before.

If, on the other hand, we look at the members themselves, we may detect a contrast in favor of the later date. Unfortunately, the accounts for 1483/84 fall in the 'Dark Ages' of Oxford history, and it is difficult to supplement their biographical information from other sources.²⁹ Nevertheless, several firm facts can be established. First, we are dealing with a 'mixed' group of scholars, privileged persons and freemen. Of the thirty-five new members in 1483/84, three were masters, all of them important members of the university. Richard Bernys was President of Magdalen College from 1469; David Ireland was a Fellow of Magdalen, Junior Proctor in 1478/79 and Principal of Brasenose Hall in 1484/85; Richard Spekyngton was a Fellow of All Souls College from 1460.³⁰

28 If one assumes that 'old rearrages' above 3/4, the single entrance fee, give a minimum figure, then there must be at least thirteen spouses missing from the list.

29 It is impossible to supply detailed references for all the biographical information which follows. The principal sources are discussed in my thesis (see n. 2), chaps. 3, 5, esp. pp. 93-95, 139-40, and are listed in the Bibliography.

30 All in *BRUO* (—1500), sub nominibus.

Two of the new members are identified in the list as *privilegiati*: John Weston, yeoman bedell of theology from 1470, and John Johnson, a manciple. Among the identifiable townsmen we find John Andrew, a waxchandler, and his wife, Mathilda; the fishmonger, Nicholas Croke, and his wife, Joan; and the skinner, later a brewer, John Hulle, with Agnes, his wife. Among this latter group Croke had served as bailiff of Oxford in 1465/66 and was probably still a member of the Town Council as he was in 1474/75.³¹ John Hulle was on the verge of a quick rise which would make him chamberlain and bailiff in two successive years, 1488/89 and 1489/90, and an alderman by the end of the first decade of the next century.

The same picture holds true for the persons listed under the 'Old Arrears' in 1483/84. Two men, both *magistri* and Fellows of Oriel from 1480, Richard Martyn and William Wright, had compensated for their celibacy by bringing their mothers into the guild, and four other *magistri*, including the Fellow of All Souls, Nicholas Halswell, Senior Proctor in 1480/81, and two *domini* also occur in the list as does a student, Edward Underwode, who was admitted a Fellow of University College shortly thereafter in 1484. Among the privileged persons seven (identified) cooks are found as well as a spencer [= butler] and a bookbinder. Secular occupations are represented by a blacksmith, a mason, a goldsmith, a corveser, a cobbler and at least two tailors. Not all the members lived in Oxford which may be a sign of the guild's fame or, perhaps, only of the high degree of mobility in late medieval society. One of the new members was from Norwich, and, among others, we find one resident each of Abingdon (husband and wife) and Winchester, and four men from Littlemore, surely a consequence of the fact that Littlemore was a chapel served from St. Mary the Virgin. Finally, at least six women, of whom two were certainly married, seem to have been members in their own right, that is, not as the 'better half' of a couple.

It is clear from this analysis that virtually all sections of Oxford society were represented in the membership. Accordingly, the social 'range' is immense. At the top we have such exalted personages as the President of Magdalen, Bernys. At the bottom, the low entrance fee and the easy terms allowed a man from a very modest occupation such as the cobbler, Henry Aylewyn, to join. Only the most wretched of Oxford's inhabitants would have been deterred by the financial burdens of the guild. On the other hand, we must note that one group of townsmen is notably absent in 1483/84, the aldermen and the more powerful members

31 See the Council list in *Munimenta civitatis Oxonie*, ed. H. E. Salter (Oxford Historical Society Publications 71; Devizes, 1920 [for 1917]), pp. 231-32 [hereafter: *Munimenta civitatis*]. There is a discussion of the structure of municipal government in my thesis (see n. 2), chaps. 1A, 1C, pp. 2-15, 28-50.

of local government in general. Of all the persons listed in 1483/84 only Croke had certainly held the office of bailiff, and none of the aldermen for this period occurs. Earlier evidence about the guild does not contradict this impression. It is true that both the proctors for 1461/62, John Dyere *alias* Hyde and the butcher and glover, John Waryn, had previously been bailiffs in 1444/45 and 1437/38 respectively,³² but, on the whole, one has the impression that the guild continued to attract men like the founders of the chantry in the mid-fourteenth century, comfortable but not powerful.

The list of 1530/31 has many similarities to that of almost half a century earlier. There is even one member common to both, William Fallowfield, a tailor, mercer and vintner, who must have died at a ripe old age (nearly 100) about 1558/59.³³ The four new members in 1530/31 were: Mr. Thomas Pantrey, the esquire bedell of arts; John Wattson, a freeman and (former?) manciple of University College; Richard Turner, a privileged cook; and Thomas Pyktone, a tailor and probably a freeman. The 'Old Arrears' provide the names of six *magistri* including John Cottisford, the chancellor's commissary. Among the privileged persons are three who occurred as booksellers in the lay subsidy of 1523: Richard Alcocke, who was also a bell ringer to the University, Gerrard Pylgreme and Balthazar Churchyard;³⁴ also there is David Pratt, the Cambridge B.A., freeman and apothecary, who was soon to become a privileged person as a stationer.³⁵ Other occupations represented are those of skinner, chandler, mercer, draper, fuller, brewer, brown-baker, barber, organ maker, and vintner. As in 1483/84 some outsiders are found though none from as far away as Norwich or Winchester. Three residents of Abingdon (one of whom also lived at Marlow) and one inhabitant of Thame occur in the list. Two women, Katherine Chamber, the wife of the glover, William Chamber, and the wife of John Leke, a brewer, also occur. It is clear, therefore, that the composition or social 'mix' of the guild in 1530/31 was similar in many ways to that of 1483/84.

However, if we compare the names of the members with the Town Council list for 1530/31,³⁶ we shall find that one member of the guild, John Austin, a graduate and former manciple, who occupied as a draper and mercer, was an alderman at this time.³⁷ Moreover, four persons of the bailiff's rank are present:

32 See *Registrum cancellarii* 2.89, for 8 September 1462.

33 His name occurs for the last time in the Council lists for 1541/42 when he must have retired (Oxford City Archives A.5.5., 74v-76r). For the date of his death see the list of 'Suitors' at the Hustings Court for 1558/59 (Oxford City Archives A.5.3., 238r).

34 *Oxford City Documents*, p. 56.

35 *BRUO* (1501-40), sub nomine.

36 Oxford City Archives A.5.5., 53v-54r.

37 See my article, 'Town and Gown in Tudor Oxford: A Note and Two Documents', *Oxonien-sia* 39 (1975) 79, 81, for a reference to Austin.

the chandler, Walter Gower; the manciple and brewer, William Symcokes; the aged William Fallowfield; and the brown-baker, Richard Cotton. In addition, Katherine Chamber's husband, William, was of bailiff's rank; Thomas Ellingham, a hosier, draper and brown-baker, and a proctor of the guild for the coming year, was of the chamberlain's rank; and the apothecary, David Pratt, sat on the Common Council. Altogether the political importance of the townsmen at this time was much greater than before, and men such as Austin and Gower, who had been assessed at £ 60 and £ 40 respectively in the lay subsidy a few years before,³⁸ were surely the social equals (in Oxford at least) of academic members such as Cottisford or the bedell, Thomas Pantrey. By 1530 the upper levels of municipal society, largely absent in 1483/84, were active in the guild. This is of particular interest, since this falls in the midst of period of intense conflict between the governments of the town and the university,³⁹ and one wonders how convivial the *convivium* for that troubled year was when one of the more active municipal leaders, Alderman John Austin, and the effective leader of the university, Cottisford, met, in the words of the guild's statutes of 1389, 'propter amoris nutrimentum'.⁴⁰

The guild of St. Thomas was not the only one which brought members of the municipal and academic communities together. There is evidence from the fifteenth century that the little-known guild of St. Katherine in St. Thomas' church fulfilled the same function. For example, the esquire bedell of law, Robert Keynsham, bequeathed 20*d.* to the 'fraternitati sancte Katherine in suburbio Oxonie' at his death in 1431.⁴¹ The will of the late fifteenth-century alderman and brewer, Richard Hewes, a resident of St. Thomas' parish, dated 1488, contains a reference to the 'Wardens and Proctors of Saint Katerins Brethered' and to 'my brother', the theologian and former principal of St. Edmund Hall, Dr. Thomas Lee, who was named an executor.⁴² The clear implication is that both were members of the guild.

Nor did St. Thomas' guild ever leave behind a memorial comparable to that of the combined guild of Corpus Christi and St. Mary in Cambridge which founded a college in 1352.⁴³ But I think there was no institution in Oxford which in its

38 See the first schedule for 30 November 1523, printed in *Oxford City Documents*, pp. 70, 73, which gives the tax from which the assessment can be computed.

39 The ostensible cause was Cardinal Wolsey's charter of 1523. See my thesis (above n. 2), chap. 2, pp. 51-92.

40 *Oriel Records*, p. 422.

41 *Munimenta civitatis*, p. 200; cf. *BRUO* (—1500), sub nomine.

42 Bodleian Library, Oxford MS. Wills Berks. 1, 289cr-299v (original proved in the Prerogative Court of Canterbury); cf. *BRUO* (—1500), sub 'Thomas Lee'.

43 See Hastings Rashdall, *The Universities of Europe in the Middle Ages*, ed. F. M. Powicke and A. B. Emden, 3 (Oxford, 1936), pp. 310-12 with references.

origins, aims, ongoing connections and composition so clearly reflected the interlocking of 'Town' and 'Gown' as did the guild (and the chantry) of St. Thomas the Martyr. We know virtually nothing about the membership on the eve of its dissolution,⁴⁴ and I suspect that it may have seen better days. Nevertheless, it is safe to say that Edward's commissioners destroyed an important historical link between the late medieval town and the university.

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44 For an account of the financial situation see the commissioners' report printed in *The Chantry Certificates and the Edwardian Inventories of Church Goods for Oxfordshire*, ed. R. Graham (Oxfordshire Record Society 1; Oxford, 1919), pp. 7-9, 15, where, like the church of St. Thomas, the name has been changed to St. Nicholas.

ARTES PRAEDICANDI: EARLY PRINTED EDITIONS

Susan Gallick

IT is often useful to the scholar or literary historian to know if a manuscript or printed work were widely read in its own time. In order to ascertain the influence of a given work on contemporary thought or on another writer or to consider the possible audience and the uses of the work, the question of popularity and circulation must be considered. One of the ways to determine the popularity of a work is to compile the numbers of manuscripts which were copied and circulated at a given time, or, if a later work is under consideration, to determine its printing history. It is especially interesting to consider the transitional period between the manuscript and the printed edition because during this time, approximately 1450-1600, the decision to print a manuscript or not often affected its survival or, at least, its continued circulation among the reading public.

In the field of rhetoric, the transition from manuscript to printed work is an especially complex field because rhetoric covers so many different but related areas — *ars dictaminis*, *ars praedicandi*, *ars poetriae*, and *ars grammatica*. Preachers, poets, teachers, students, and secretaries all had the need to consult rhetorical treatises. Much light might be shed on the whole area of rhetoric — its history, influence, and popularity — if the period between manuscript and printed text were examined closely. The following study of the early printed editions of the *artes praedicandi* is the beginning of a projected larger study of all the branches of rhetoric from script to print.¹

¹ This will be a joint project with Richard Schoeck, Professor of English at the University of Colorado, Boulder. The present study does not cover all the *artes praedicandi* written in the Middle Ages of which there are more than two hundred. Rather it is intended to be exploratory and to determine whether printing practices emerge among those works which are most frequently cited today as examples of the medieval arts of preaching. For this kind of study, it is important to cover a broad time period and many countries because time was not a factor in printing success since earlier works were occasionally printed more frequently than works written later and closer to the era of printing. On the other hand, place was a factor in the early printing of the *artes praedicandi*: many *artes* were printed in Germany, but few, if any (none at all in this survey) in England. The pattern of printing practices that emerges from the so called 'popular' *artes* suggests that scholars

I decided to compile the early printed editions of thirteen authors of *artes praedicandi*, with two major factors governing my selection. First and most important, I chose well known authors such as Robert of Basevorn, Humbert of Romans, pseudo-St. Thomas Aquinas, and Henry of Hesse, authors whose works are frequently printed today, translated, or discussed because it is assumed that they illustrate the basic theories of medieval preaching.² Second, I chose authors from different centuries and with different backgrounds and nationalities: for example, several are Dominicans (James of Fusignano and Humbert of Romans); one is a Franciscan (John of Wales); another a Benedictine monk (Ranulph Higden); several are connected with universities (Robert of Basevorn, who was probably not a religious, and Simon Alcock, who was a master in theology, were both at Oxford and William of Auvergne was at the University of Paris); and they represent a variety of national origins (French, German, English, Italian, and Welsh).

At first glance, it appears that three very famous men wrote treatises on the art of preaching — Albert the Great, St. Thomas Aquinas, and St. Bonaventure. In reality, these are pseudonyms which could have been given to a treatise on

might do well to reevaluate the list of basic or, more important, the list of influential arts of preaching in the Middle Ages.

In addition, I am listing the *ars poetriae* as a separate category of the rhetorical tradition, especially distinct from the *ars grammatica*. Much confusion and debate exists about how to classify the different *artes* in the Middle Ages, but the problems have mainly stemmed from James J. Murphy's works on rhetoric. For a complete list of Murphy's writings on the subject as well as those of several other scholars, see his *Medieval Rhetoric: A Select Bibliography* (Toronto, 1971). Murphy's most recent work, *Rhetoric in the Middle Ages: A History of Rhetorical Theory from St. Augustine to the Renaissance* (Berkeley, 1974) has further complicated the classification of medieval rhetoric. A forthcoming review of this work by Wilbur S. Howell in *Newsletter: Rhetoric Society of America* takes Murphy to task for introducing some of the problems in categorizing medieval rhetoric.

2 Robert of Basevorn's *Forma praedicandi* occurs in Th.-M. Charland's *Artes praedicandi: Contribution à l'histoire de la rhétorique au Moyen Age* (Paris-Ottawa, 1936), pp. 231-323; a translation of this work by Leopold Krul occurs in James J. Murphy's edition of *Three Medieval Rhetorical Arts* (Berkeley, 1971), pp. 114-215. Murphy translates Basevorn's work himself in his *Rhetoric in the Middle Ages*, pp. 344-55. In his *Ars componendi sermones*, Ranulph Higden borrows heavily from Robert of Basevorn; an edition of Higden's work is currently being prepared for publication by Sister Margaret Jennings. The Dominican Students of the Province of St. Joseph have translated Humbert of Romans' *De eruditione praedicatorum* in *Treatise on Preaching* (Westminster, Md., 1951). Harry Caplan has translated both pseudo-St. Thomas Aquinas, *Tractatus sollemnis de arte et vero modo predicandi* in 'A Late Medieval Tractate on Preaching' in *Studies in Rhetoric and Public Speaking in Honor of James Albert Winans* (1925; rpt. New York, 1962), pp. 61-90, and Henry of Hesse, *Tractatus* in "'Henry of Hesse" on the *Art of Preaching*', *Publications of the Modern Language Association* 48 (1933) 340-61. Woodburn O. Ross has translated and condensed the second part of John of Wales, *Ars praedicandi* in 'A Brief *Forma praedicandi*', *Modern Philology* 34 (1937) 337-44.

preaching for several different reasons: the authors, probably obscure clerics, felt that their treatises would be more widely read if they carried the names of famous men; perhaps the real authors were named after Bonaventure or Thomas Aquinas; or maybe the authors thought that their treatises were good enough to be the works of famous men.³ The case of pseudo-Albert the Great is slightly different. Even though William of Auvergne was himself an important writer and scholar, for some reason his art of preaching becomes mixed up with the name of Albert the Great, especially in the printed editions where it is only issued under the name of Albert the Great. This practice of attributing works to famous men makes the compilation of manuscripts and printed texts difficult because there is no fixed policy followed by cataloguers in listing suppositious works. A work by pseudo-St. Thomas Aquinas may be found under the authentic or suppositious works of Thomas Aquinas, under the incipit, or under 'anonymous'.

Some authors adopted the names of men much more famous than they themselves were, but many more never signed a name to their works. It is painstaking research to compare the incipits or the entire works with signed manuscripts in order to determine authorship. Many of the extant manuscripts of the *artes praedicandi* are anonymous and are only attributed to an author by this process of comparison. It is easy enough if two texts are identical, but that seldom happens. More often, some sections of the manuscripts will be identical or similar and others dissimilar or entirely different. It is possible that some authors of *artes praedicandi* borrowed sections from other authors, making their own works more composite than original. However, it also happened that an editor of an *ars praedicandi*, in search of the best text of one author, borrowed sections from another text without knowing that he was, in fact, borrowing from another author as well.

The 1883 edition of Bonaventure's *Works* illustrates many of these manuscript problems.⁴ For several years, scholars thought the *Ars concionandi*, a treatise on preaching, was by St. Bonaventure. In 1883, the editors of the complete works of Bonaventure included the *Ars concionandi* in their edition, but for the third part of Bonaventure's treatise, they used a similar treatise which was in fact by Richard of Thetford. The editors, unaware of Richard's authorship, simply thought it was a better text of the *Ars concionandi*; since 1933 scholars have known that the *Ars concionandi* is not the work of St. Bonaventure. Fortunately

3 For a complete discussion of this subject, see E. Ph. Goldschmidt, *Medieval Texts and Their First Appearance in Print* (Transactions of the Bibliographical Society, Supplement No. 16; Oxford, 1943), pp. 97-99.

4 *Opera omnia*, 10 vols. and an index (Quaracchi, 1883-1902); see especially *Opuscula* 13 and 16.

many of these kinds of manuscript problems have been sorted out by the excellent research of Th.-M. Charland and Harry Caplan.⁵

In the following account of early printed editions of the *artes praedicandi*, I will begin each list with a very brief description of the author, the title of the work, and the approximate number of extant manuscripts.⁶ Next will be a list of the early editions, and, in order to make this information as useful as possible to those interested in consulting these printed treatises, each edition, if possible, will be identified by its Hain and/or Copinger number, by the number Goff assigned it in his *Incunabula in American Libraries*, and by its number in the British Museum, in the Berlin and Belgian libraries, in the Cambridge University libraries, and in the Bibliothèque Nationale in Paris.⁷ Three early studies of incunabula, M. L. C. Pellechet's *Catalogue général*, the *Gesamtkatalog*, and Robert Proctor's *Index*, are incomplete, but they do include many *artes praedicandi*, and

5 See Charland, *Artes praedicandi* and Harry Caplan, 'Classical Rhetoric and the Mediaeval Theory of Preaching', *Classical Philology* 28 (1933) 73-96.

6 The chief sources for this information were the two works by Harry Caplan, *Mediaeval Artes praedicandi: A Hand-List* (Cornell Studies in Classical Philology 24; Ithaca, 1934) and the later, supplementary volume in the same series, 25 (1936), and Charland, *Artes praedicandi*. In addition to including all the known manuscripts of several *artes praedicandi*, Caplan includes the incipits of unpublished manuscripts, the incipits of fragments of manuscripts, information about published and unpublished treatises, and names of authors arranged by century. The numbers of manuscripts noted after each work is only an estimate but, based as it is on the scholarly work of Caplan and others, it is, I believe, a very close estimation. I have checked some catalogues of British and European libraries which have been revised since Caplan and Charland did their research and rechecked some of their sources, but I have found only a very few manuscripts not included in their lists. The problems of attribution and varying titles and incipits of these arts of preaching make manuscript research difficult; the kind of research required to ascertain the numbers of manuscripts of the arts of preaching that existed at one time but are now lost is beyond the scope of this study, especially when my primary interest is only to give a general estimation of the numbers of manuscripts of a work for the purposes of comparison with the numbers of printed editions.

7 See Ludwig Hain, *Repertorium bibliographicum*, 4 vols. (Stuttgart, 1826-38; rpt. Milan, 1948) and abbreviated 'H'; W. A. Copinger, *Supplement to Hain's Repertorium bibliographicum*, vol. 1, parts 1 and 2, and vol. 2, part 2 (London, 1895-1907; rpt. Milan, 1950) and abbreviated as 'C' (note: 'HC' stands for the same number in both Hain and Copinger); Frederick R. Goff, *Incunabula in American Libraries* (New York, 1964) and abbreviated according to Goff's own system, i.e. a letter of the alphabet plus a dash; *British Museum General Catalogue of Printed Books*, photolithographic edition to 1955, 263 vols. (London, 1965-66) and abbreviated as 'BM IA' or 'IB'; *Catalogue général des livres imprimés de la Bibliothèque Nationale*, 222 vols. (Paris, 1929-75) and abbreviated 'BN'; Louis Polain, *Catalogue des livres imprimés au quinzième siècle des bibliothèques de Belgique*, 4 vols. (Brussels, 1932) and abbreviated 'Polain'; Ernst Voullième, *Die Inkunabeln der Königlichen Bibliothek und der anderen Berliner Sammlungen* (Leipzig, 1906) and abbreviated 'Voull (B)'; H. M. Adams, *Catalogue of Books Printed on the Continent of Europe, 1501-1600 in Cambridge Libraries*, 2 vols. (Cambridge, 1967) and noted as 'Cambr. Univ. Lib.' plus a letter of the alphabet and a number. I checked the *Indice generale degli incunaboli delle biblioteche d'Italia*, 5 vols. (Rome, 1943) by T. M. Guarnaschelli and E. Valenziani, but I did not find any arts of preaching pertinent to this study.

thus the entries will also be identified according to the numbers assigned by these works.⁸

Alan of Lille (1114-1203), nationality uncertain

*Summa de arte praedicatoria*⁹

Inc. Vidit scalam Jacob a terra

MSS. 94

published in J.-P. Migne, *Patrologia latina* 210.110-98.

Alcock, Simon (d. 1459), English, Oxford University

Tractatus de modo dividendi themata

Inc. Ad quare per propter

MSS. 7

Editions: 1

1. Cologne: Johann Koelhoff, the Elder, 15 April 1487. 2°
(H 7400 = H 8161; G-592; BM IB 3592)

Note: printed with James of Fusignano's *Libellus*.

See no. 28.

Aquinas, pseudo-St. Thomas (fifteenth century), nationality uncertain, Dominican

Tractatulus solemnus de arte et vero modo predicandi

Inc. Communicaturus (caritative) (proximis) meis desiderantibus

MSS. 29

Editions: 18

2. Nuremberg: Friedrich Creussner, 1477. 2°
(H 1358 = H 1359; T-263; Proc 2139)
3. Strassburg: Heinrich Knoblochtz, 1479. 2°
(H 1356; T-264; BM IB 1102; BN Rés D 2583 and Rés C 516
(2); Pell 969; Polain 3689 bis)
4. Urach: Conrad Fyner, 1480-81 (?). 4°
(a reprint of Creussner's edition of 1477, repeating the date) (C
542; T-265; BM IA 11220)

⁸ See M. L. C. Pellechet, *Catalogue général des incunables des bibliothèques publiques de France*, 3 vols. (Paris, 1909) and abbreviated 'Pell'; *Gesamtkatalog der Wiegendrucke*, 8 vols. (Leipzig, 1925-1938) and abbreviated 'GW'; Robert Proctor, *Index to Early Printed Books in the British Museum from the Invention of Printing to the Year 1500. With Notes of Those in the Bodleian Library*, 2 vols. and 4 supplements (rpt. in one volume, London, 1960) and abbreviated 'Proc'.

⁹ In his lists of manuscripts, Caplan does not include any for Alan of Lille. At the back of G. Raynaud De Lage's *Alain de Lille: poète du XII^e siècle* (Montreal, 1951), he lists the manuscripts of Alan's major works. He finds ninety-four manuscripts of the *Summa de arte praedicatoria* ranging from the twelfth to the fifteenth century.

5. Geneva: Louis Cruse, 10 September 1481. 4°
(HC 1360; T-266; BN Rés D 2584; Pell 972)
6. Nuremberg: Friedrich Creussner, 1483. 2°
(H 1361; T-267)
7. Memmingen: Albrecht Kunne, 1483. 4°
(HC 1362; T-268; BM IA 11022; Polain 3690; Voull (B) 1593; Proc 2774)
8. Speyer: Johann and Conrad Hist, 1485. 4°
(H 1351; BM IA 8708)
Note: this edition (BM IA 8708) is listed as Strassburg: G. Reyser, 1480. 4° in the *Short-Title Catalogue of Books Printed in the German-Speaking Countries*.¹⁰
9. Augsburg: Hermann Kestlin, 1485 (?). 4°
(Voull (B) 200)
10. Augsburg: Johann Schönsperger, 1485. 2°
(BM IB 6317)
11. Leipzig: Conrad Kachelofen, 1490. 4°
(H 1352; BM IA 11663; Voull (B) 1281; Proc 2902)
Note: the treatise of Henry of Hesse is lacking.
12. Leipzig: Conrad Kachelofen, about 1490. 4°
(H 1353; T-270; Voull (B) 1282) Note: the treatise of Henry of Hesse is lacking.
13. Louvain: Johann de Paderborn (Westphalia), about 1490. 2°
(H 1357; T-269; BN Rés D 2582; Pell 971)
14. Memmingen: Albrecht Kunne, 1495 (?). 4°
(BM IA 11126)
15. Leipzig: Wolfgang Stöckel, 1496-1500. 4°
(HC 1354; T-271; BN Rés D 10218; Pell 968; Polain 3689; Voull (B) 1420) Note: the treatise of Henry of Hesse is lacking.
16. Augsburg: Johann Froschauer, 1498 (?). 4°
(BM IA 6575)
17. Deventer: Jacobus de Breda (?), about 1500. 4°
(H 1355; T-272; BN Rés D 10219; Pell 970) Note: the treatise of Henry of Hesse is lacking.
18. Augsburg: J. Froschouer, 1505. 4°
(Cambr. Univ. Lib. T 890)
19. Strassburg: ?? 4°
(Polain 3688)

¹⁰ *Short-Title Catalogue of Books Printed in the German-Speaking Countries and German Books Printed in Other Countries from 1455-1600 now in the British Museum* (London, 1962).

Bonaventure, pseudo-St. (thirteenth century) nationality uncertain

Ars concionandi

Part I Inc. Omnis tractatio (traditio) (divinarum) scripturarum ut ait

Augustinus

MSS. 8

Editions: 0

Part III Inc. Octo sunt modi (modi sunt) dilatandi sermonem (sermones)

MSS. 5

Editions: 0

Henry of Hesse — name uncertain (fourteenth century), German, Dominican

Tractatulus eximii doctoris Henrici de Hassia de arte praedicandi

Inc. Ars predicandi est scientia docens de aliquo

MSS. 17

Editions: 3 (+ 4 if nos. 11, 12, 15, and 17 are added)

20. no place, publisher or date. 4°

(H 8397; Polain 1862)

21. Strassburg: Martin Flach, no date. 4°

(H 8398; Proc 725)

22. no place, publisher or date. 4°

(H 8399; BN Rés D 8046)

Higden, Ranulph (fourteenth century), English, Benedictine monk

Ars componendi sermones

Inc. Rectitudo intencionis

MSS. 5

Editions: 0

Humbert of Romans (c. 1194-1277), French, Dominican

*De eruditione praedicatorum*¹¹

Inc. Vide ministerium quod accepisti in Domino ut illud impleas

MSS. 2

Editions: 1

23. Hagenau: Henricus Gran, 1508. 4°

¹¹ It has been difficult to estimate the numbers of manuscripts and to ascertain the number of printed editions of Humbert of Romans' art of preaching. Neither Caplan nor Charland mention any manuscripts nor does the modern translation give the manuscript or the early printing history of the work. I have located only two manuscripts: Avignon, MS. 327, fols. 2-257, fifteenth century and Reims, MS. 612, fols. 1-32, fourteenth century.

Although the single edition noted for Humbert of Romans is not mentioned in any of the reference books cited in this study, it is described in several other sources. For example, see Georg Wolfgang Panzer, *Annales typographici*, 11 vols. (Nuremberg, 1793-1803; rpt. Hildesheim, 1963), 7. 73-74 and no. 53.

James of Fusignano (fourteenth century), Italian, Dominican

Libellus artis praedicationis

Inc. Oro (Pro) ut caritas vestra magis ac magis habundet in scientia
MSS. 27

Editions: 5 (Note: all editions are printed with Guy de Mont-Rocher's
Manipulus curatorum)

24. Cologne: Bartholomaeus de Unkel, 6 April 1476. 4°
(H 7399 = HC 8175; G-572; BN Rés D 575, 576, 577; Polain 1777; Voull (B) 843) Note: printed with an *Ars moriendi* and *Canones poenitentiales* in this edition and in nos. 25 and 27 below.
25. Cologne: Johann Guldenschaff, about 1480. 2°
(HC 8186; G-581; BN Rés D 2129; Voull (B) 906) See no. 24.
26. Cologne: Heinrich Quentell, about 1484-89, 2°
(H 8169; G-588) Note: printed with an *Ars moriendi*.
27. Basel: Michael Wenssler, about 1485. 2°
(H 8162; G-590; Polain 1776) See no. 24.
28. Cologne: Johann Koelhoff, the Elder, 15 April 1487. 2°
(H 7400 = H 8161; G-592; BM IB 3592) Note: printed with the *Tractatus* of Simon Alcock. See no. 1.

John of Wales (thirteenth century), Welsh (but probably did his writing at Worcester), Franciscan

Ars praedicandi sive informatio notabilis et praeclara de arte praedicandi

Inc. In isto libello (libro) quattuor capitula continentur
MSS. 12

Inc. Ad petitionem cujusdam (pre)dilecti
MSS. 7

Extracts 6

Editions: 4 (Although there are two different incipits to this treatise, after the first line, the tracts are identical.)

29. Deventer: Richardus Pafraet, 24 March 1479. 2°
(C 3265; A-1138; GW 2669; Voull (B) 4827, 5)
30. Cologne: Johann Guldenschaff, 22 April 1479. 2°
(HC 1861; A-1139; BN Rés D 1823; GW 2670; Pell 1374)
31. See no. 34.
32. See no. 35.

Richard of Thetford (thirteenth century), English, Augustinian canon

Ars dilatandi sermones

Inc. Quoniam emulatores estis spirituum (spirituum estis) ad edificationem ecclesie

MSS. 31

Editions: 0

Robert of Basevorn (fourteenth century), English, probably at Oxford University

Forma praedicandi

Inc. Ostendendum est in primis

MSS. 5

Editions: 0

Waleys, Thomas (fourteenth century), Welsh, Dominican

De arte praedicandi

Inc. Cum predicacionis officium sit pocius angelicum quam humanum

MSS. 6

Editions: 0

William of Auvergne (1180-1249), bishop of Paris

De faciebus mundi

Inc. Veritas ewangelica predicatoribus

MSS. 14 (sometimes falsely attributed to Albert the Great, a German Dominican, 1206-1280)

Editions: 3 (printed with the title, *Ars intelligendi, docendi et praedicandi res spirituales* and attributed to Albert the Great)

33. Ulm: Johann Zaner, not before 1478. 2°

(H 491; A-226; GW 590; BM IB 9205; Voull (B) 2609; Proc 2528) Note: printed with an *Ars moriendi* (author uncertain: sometimes ascribed to Albert the Great, sometimes to Matthew of Cracow, often anonymous).

34. Cologne: J. Koelhoff, 1482 (?). 2°

(BM IB 3537; BN Rés D 2762; Pell 313) Note: printed with an anonymous *Ars praedicandi* which has been identified as the work of John of Wales.

35. Paris: ? 1510. 8°

(GW 591; BM C. 51 aa. 6(4); BN Rés D 23024; Pell 314)

Note: as in no. 34, this edition includes the *Ars praedicandi* of John of Wales.

De arte praedicandi

Inc. Verbum dei (Christi) propter Christum

MSS. 14

Editions: ? (There are three early editions of William of Auvergne's *Opera omnia*: Nuremberg: George Stuchs, 1497; Paris: F. Regnault, 1516; and Venice: D. Zenari, 1591. I examined the Nuremberg edition and did not find an art of preaching. The 1591 edition from Venice is noted as having been expurgated. Considering the fact that there are so many early editions of William of Auvergne's individual works such as *De sacramentis in*

specie et in genere and *De fide et legibus* and no single edition of his *De arte praedicandi* and that the editions of his complete works are really selected and expurgated rather than complete, it is doubtful that this art of preaching was printed.)

These results are in many ways quite surprising. Considering numbers alone, one writer, pseudo-St. Thomas Aquinas, was printed far more frequently than any of the others listed here. There are eighteen editions of his *Tractatulus sollemnis* (nos. 2-19). If it is assumed that the four copies of Henry of Hesse's *Tractatulus* which Hain notes as being printed with the Aquinas tract (nos. 11, 12, 15, and 17) are lost but did at one time exist, then Aquinas' closest rival in popularity was Henry of Hesse with seven printed editions. James of Fusignano's *Libellus artis praedicationis* is third with five editions. It is difficult to account for such a large gap between eighteen and seven or five. It would be tempting to suggest that because the Aquinas tract is a later work (fifteenth century) it had more relevance to the preaching theories popular in the era of early printing than the treatises written earlier. That may be true, but it must also be noted that the Aquinas tract was occasionally printed with a fourteenth-century work, that of Henry of Hesse, and that other fifteenth-century authors of *artes praedicandi* such as Simon Alcock were printed only once and others not at all. Two fourteenth-century writers, Robert of Basevorn and Thomas Waleys, were not printed, while two thirteenth-century writers were — William of Auvergne and John of Wales.

Although the nationality of the authors of *artes praedicandi* does not appear to have been a factor in deciding whether to print these treatises or not, the country of printing evidently did influence that decision. The Italian writer James of Fusignano was never printed in Italy, but was printed four times in Germany and once in Switzerland. None of the arts of preaching surveyed here were printed in Italy, and only one early edition containing the *Ars intelligendi* of William of Auvergne (pseudo-Albert the Great) and the *Ars praedicandi* of John of Wales was printed in France, in a Paris edition of 1510. On the other hand, of the thirty-nine early editions compiled in this study, including the four lost editions of Henry of Hesse, 74% or twenty-nine editions were printed in Germany. (For the purposes of this study, Strassburg and Hagenau are considered to be part of Germany.) Two editions were printed in Switzerland, the *Tractatulus sollemnis* of Aquinas (no. 5) and James of Fusignano's *Libellus* (no. 27), and three in the Netherlands (nos. 13 and 17 of Aquinas and 29 of John of Wales). The greatest interest in printing the *artes praedicandi* during the second half of the fifteenth century and the sixteenth century took place in the German cities of Cologne, Augsburg and Leipzig.

Perhaps even more surprising than the widespread printing of the *artes praedicandi* in Germany was the total lack of *artes praedicandi* printing in

Britain.¹² No arts of preaching of the authors studied here were found to have been printed in Britain before 1600. The *Ars praedicandi* of the thirteenth-century Welshman, John of Wales, was printed four times, once in the Netherlands (no. 29), once in Paris (no. 35), and twice in Germany (nos. 30 and 34), but never in Britain. In the fourteenth century, an Englishman, Robert of Basevorn, and a Welshman, Thomas Waleys, wrote treatises on preaching that are widely read and studied today, but neither was printed between 1450 and 1600. There are approximately thirty-one manuscripts of the Englishman Richard of Thetford's *Ars dilatandi sermones*, but this work was apparently never printed. The *Tractatus de modo dividendi themata* of the fifteenth-century Englishman, Simon Alcock, was printed only once and then anonymously in Germany (no. 1).

The evidence from this study suggests that there was a great interest in preaching theories among Dominicans, and they were successful in getting their treatises printed. In addition to the eighteen editions of pseudo-St. Thomas Aquinas, there were seven of Henry of Hesse, five of James of Fusignano, and one of Humbert of Romans. However, in terms of British authors, the Franciscan John of Wales's treatise on preaching was printed four times on the continent, but the Dominican Thomas Waleys' tract was not printed at all. Of the British university men, Robert of Basevorn and Simon of Alcock, only Alcock's treatise on preaching was printed and then only once, anonymously in 1487.

Even though this study is concerned with the period of printing between 1450 and approximately 1600, only three editions of *artes praedicandi* were found to have been printed after 1500: William of Auvergne's (pseudo-Albert the Great's) *Ars intelligendi* in 1510 (no. 35); pseudo-St. Thomas Aquinas' *Tractatus*

12 This conclusion is further substantiated by a brief glance at the published tracts on preaching compiled by Caplan in his *Mediaeval Artes praedicandi: A Hand List*, pp. 36-37. Of the authors whom he considers but whom I did not (St. Antoninus of Florence, 1389-1459; John Bromyard, c. 1330-1348; Guibert de Nogent, twelfth century; Hoest, Stephanus, Landenburgensis, d. 1471; Jacques de Vitry, d. 1240; Michael of Hungary, fl. c. 1482; and Nicolaus of Nice, d. 1509), none was printed in England, not even the very popular *Summa praedicatorum* of Bromyard. As Caplan notes, the treatises of several of these authors are not strictly arts of preaching, such as those by John Bromyard, Guibert de Nogent, and Jacques de Vitry.

It might be noted also that both other works by the authors surveyed in this paper and other kinds of preaching materials were printed in England. Two works of William of Auvergne were printed in England, the *Postilla sive expositio epystolarum* by Julian Notary in 1509 and *De septem sacramentis* by Richard Pynson in 1516. The *Parabola* of Alan of Lille was printed three times in England, by Julian Notary in 1505 and twice by Wynkyn de Worde, once in 1508 and again in 1510. Yet, his art of preaching which exists in at least ninety-four manuscripts was never printed in England nor on the continent. The *Directorium sacerdotum*, the Englishman Clement Maydestone's guide for priests to carry out the daily order of service, was printed nine times in England between 1487 and 1503.

solemnis in 1505 (no. 18); and a slightly later (1508) edition of Humbert of Romans, (no. 23). Thus, there was a great deal of interest in incunabula editions of these *artes praedicandi*, but production dropped off sharply after 1500.

Most of the incunabula editions of *artes praedicandi* were issued separately, but a few were printed with other treatises on preaching, and several with a different kind of work. Henry of Hesse's *Tractatulus* was occasionally printed with the Aquinas tract. Hain finds four of these double editions and numbers them 1352-1355 (here nos. 11, 12, 15, and 17). Later editors and scholars have never discovered an edition of the Aquinas tract that also contains the work of Henry of Hesse although Henry's work is noted in the title of several editions. However, in his study of incunabula in Belgian libraries, Polain notes that Aquinas' *Tractatulus solemnis* (no. 19 and Polain 3688) occurred once with the *Tractatulus* of Henry of Hesse (no. 20 and Polain 1862), but they have not been reunited by later editors. Clearly, these two works were at one time issued together, but such editions are not extant today. John of Wales's *Ars praedicandi* was printed twice anonymously with William of Auvergne's (pseudo-Albert the Great's) *Ars intelligendi, docendi, et praedicandi res spirituales* (nos. 34 and 35).

I found one other example of printing two treatises on preaching together. The only edition of Simon Alcock's *Tractatus de modo* was printed anonymously with James of Fusignano's *Libellus artis praedicationis* (no. 28). In turn, James's work was only printed with Guy de Mont-Rocher's *Manipulus curatorum*. In several editions of these two works, there are also contained the *Ars moriendi* and the *Canones poenitentiales* (nos. 24, 25, and 27, but no. 26 contains only the *Ars moriendi*). William of Auvergne's (pseudo-Albert the Great's) *Ars intelligendi* was also printed with an *Ars moriendi* (no. 33). It is a curious grouping of texts to print an *ars praedicandi* with an *ars moriendi*. In any case, aside from probably random grouping of dissimilar texts, a few *artes praedicandi* were issued together for the convenience of a reader interested in various theories on the art of preaching, but the difficulties involved in locating the Henry of Hesse treatises and the scanty evidence elsewhere of such conscious grouping of similar texts make it impossible at this time to speculate about the possible readers of these treatises based on printing practices.

Much has yet to be done to clarify early printing practices and to discover how these early printers both reflected and formed current tastes and interests in literature and in all branches of knowledge. With respect to the history of rhetoric, it appears that in Britain there was no interest in printing the *artes praedicandi*, in contrast to Europe, and specifically to Germany, where there was a great interest. Printers in Britain during the last half of the fifteenth century might have been reacting to a declining interest by not printing the *artes praedicandi*, or they might have influenced that decline; but in either case, these early British printers did not consider it profitable to make more editions of the

artes praedicandi than were already being printed on the continent.¹³ Perhaps other arts of preaching than those surveyed in this study were being printed in Britain, or maybe there were enough manuscripts of the arts of preaching so that no new editions were deemed necessary. It may also have been that between 1450 and 1600 the interest in Latin treatises on preaching was declining in England and increasing in Germany and in Europe. The next step to take is to see if this pattern repeats itself in the printing history of the other branches of rhetoric — the *ars grammatica*, the *ars poetriae*, and the *ars dictaminis*.

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13 Evidence for importing European editions into England can be found in a 'List of Books Valued at Oxford, A. D. 1483', taken from a flyleaf of a printed French translation of Livy (Paris, 1486). This flyleaf presents part of a list of books valued by Thomas Hunt, stationer, in Oxford in 1483. On line 1908 is noted an '*ars thematizandi*'. The editor, F. Madan, states that this is, in reality, an '*Ars praedicandi in thematibus de tempore et sanctis*', printed in Cologne by Joh. Guldenschaff in 1479. Although this incipit is slightly different, it may very likely be the *Ars praedicandi* of John of Wales, no. 30. If it is not, it still indicates that Latin *artes praedicandi* were imported from the continent to be sold in Britain. This flyleaf is printed along with the sales ledger of John Dorne, a bookseller in Oxford, in which he notes all the books he sold in 1483. None of the *artes praedicandi* surveyed in this study is included in his ledger. See F. Madan, 'The Daily Ledger of John Dorne, 1520' in *Collectanea*, 1st Ser., 5, ed. C. R. L. Fletcher (Oxford, 1885), p. 148.

THOMAS WALSINGHAM, JOHN MALVERN,
AND THE *VITA RICARDI SECUNDI*,
1377-1381: A REASSESSMENT

George B. Stow, Jr.

THE *Vita Ricardi secundi* relates affairs in England from 1377 to 1402.¹ One of the more perplexing problems attending this chronicle is whether its text is a unified work or a composite incorporating more than one textual tradition. Thomas Hog, for example, felt that the portion 1377 to 1381 in the *Vita Ricardi secundi* was taken 'verbatim' from a continuation of Adam of Murimuth's *Chronica*.² E. Maunde Thompson was of a different opinion, and he described the *Vita Ricardi secundi* as 'one of those works which grew by accumulation', and as one which was dependent upon Walsingham for 'the first twelve years of its text'.³ John Taylor, on the other hand, noticed a similarity between the *Vita Ricardi secundi* and John Malvern's *Polychronicon* continuation. Accordingly, in most of the Malvern manuscripts, 'the continuation goes to 1377 ... but in some an eighth book of the *Polychronicon* has been constructed from the *Vita Ricardi secundi*. The narrative in this eighth book carries the text to 1381, ...'⁴

Before these conflicting interpretations can be resolved, three questions must be answered. First, what is the relationship of the *Vita Ricardi secundi* to Murimuth's *Chronica* for the years 1377 to 1381? Second, is the *Vita Ricardi secundi*

1 I am most grateful to John Taylor, Reader in Medieval History at Leeds University, for suggesting many improvements in this paper, which was read at the Ninth Conference on Medieval Studies at Western Michigan University, 1974. Thomas Hearne, ed., *Historia vitae et regni Ricardi Secundi Angliae Regis, a monacho quodam de Evesham consignata* (Oxford, 1729). Hearne's edition was transcribed from British Library Cotton MS. Tiberius C. ix by D. Casley, and collated with British Library Cotton MS. Claudius B. ix by James West. Their notes are now found in Oxford, Bodleian Library, MS. Rawlinson 378.

2 Thomas Hog, ed., *Adami Murimuthensis chronica sui temporis* (London, 1836), p. xix.

3 E. Maunde Thompson, ed., *Chronicon Angliae* (RS 54; London, 1874), p. xxxiii. For the notion that the compilation of the *Vita Ricardi secundi* and Walsingham were dependent upon a similar source see T. D. Hardy in *Monumenta historica Britannica*, ed. H. Petrie and J. Sharpe, 1 (London, 1848), p. 30; H. T. Riley, ed., *Historiae Anglicanae* (RS 28.1; London, 1863), p. xxii.

4 John Taylor, *The Universal Chronicle of Ranulf Higden* (Oxford, 1966), p. 123.

indebted solely to Walsingham for the same period? Finally, were some of the Malvern manuscripts constructed from the *Vita Ricardi secundi* from 1377 to 1381; or was Malvern's continuation incorporated within the *Vita Ricardi secundi*? This study will trace the alignment of the *Vita Ricardi secundi* with both Murimuth's continuation and Walsingham for the years 1377 to 1381. In addition, it will relate the discovery of additional Malvern manuscripts previously unconnected with the *Vita Ricardi secundi*. More important, two of these manuscripts will establish the exact textual relationship between Malvern's *Polychronicon* continuation and the *Vita Ricardi secundi*; they will show that the *Vita Ricardi secundi* was dependent upon the Malvern tradition for part of its account of the years 1377 to 1381.

The first notice of textual alignment between the *Vita Ricardi secundi* and another narrative was offered by Thomas Hog in 1846. In that year Hog published a chronicle by Adam of Murimuth which embraced the years 1320 to 1337.⁵ He also printed in the same volume a continuation of Murimuth's chronicle, which carried the text from 1337 to 1381. This was found in Queen's College, Oxford, MS. 304, and Hog noticed that from 1377 to 1381 the text was almost identical to the same portion in the *Vita Ricardi secundi*: 'This latter portion, from the accession of Richard II, has been adopted verbatim in the Chronicle by an anonymous Monk of Evesham, ...'⁶ Further on in his edition Hog was of the opinion that 'Hearne's Monk of Evesham may only have been a continuator of, or borrower from, the author who continued Murimuth;...'⁷ The identity of the author who continued Murimuth was unknown by Hog, doubtless because he was not in possession of the voluminous manuscript tradition surrounding the problem. According to John Taylor, however, Hog's description of Queen's College, Oxford, MS. 304 as 'the continuation of Murimuth' is misleading; this manuscript, although following the main text of Murimuth's chronicle, was originally a *Polychronicon* continuation.⁸

Another *Polychronicon* continuation has been attributed to John Malvern. In the eighth volume of the Rolls Series edition of Higden's *Polychronicon* J. R. Lumby printed a continuation of Higden from 1348 to 1381; this has become known as 'Rolls Series A'.⁹ The manuscript version of this text is found in the Cambridge University Library where it is catalogued as Cambridge University Library Ii.2.24. Shortly thereafter, Lumby found a manuscript in the library of

5 See above n. 2.

6 *ibid.*

7 *ibid.*, p. 277 n. 1.

8 Taylor, *Universal Chronicle*, p. 118.

9 J. R. Lumby, ed., *Polychronicon Ranulphi Higden Monachi Cestrensis* (RS 41.8; London, 1882), pp. 353-406.

Corpus Christi College, Cambridge, which contained the same *Polychronicon* continuation, but which carried the text beyond 1381 to 1394: Corpus Christi College, Cambridge, MS. 197. The importance of this manuscript was that it named the author as John Malvern, a monk of Worcester.¹⁰ Lumby printed this manuscript in the ninth volume of the Rolls Series *Polychronicon* in order to present Malvern's continuation in its entirety, from 1348 to 1394.¹¹ In 1907, however, J. Armitage Robinson proved that, although the portion of this manuscript from 1348 to 1381 could be ascribed to John Malvern, the portion from 1381 to 1394 was from a different pen, that of a monk of Westminster.¹²

A comparison of Queen's College, Oxford, MS. 304 with Corpus Christi College, Cambridge, MS. 197 reveals that, although there are some slight differences, the two manuscripts are remarkably similar. Moreover, it is clear that Corpus Christi College, Cambridge, MS. 197 and the *Vita Ricardi secundi* are close in content. The *Vita Ricardi secundi*, then, should properly be considered in conjunction with Malvern's *Polychronicon* continuation, and not as Hog had stipulated, with 'the continuator of Murimuth'.

Notwithstanding this, Hog was clearly on to something when he stated that the compiler of the *Vita Ricardi secundi* may have borrowed the early portion of his chronicle, from 1377 to 1381, from some other author who continued Murimuth. Like Hog, Taylor noticed that these *Polychronicon* continuations, whether cited as 'continuations of Murimuth', or as 'Malvern continuations', were somehow related to the *Vita Ricardi secundi*. In the case of Malvern, however, Taylor felt that Malvern ended in Corpus Christi College, Cambridge, MS. 197 at 1377, and that the *Vita Ricardi secundi* therefore made up the concluding portion of 'Rolls Series A', which contains the same text as Corpus Christi College, Cambridge, MS. 197.¹³

The solution to the question whether the *Vita Ricardi secundi* was compiled from portions of Malvern's continuation from 1377 to 1381, or whether Malvern's narrative for the same period was taken from the *Vita Ricardi secundi*, can be found in an analysis of the relevant manuscripts. A search of English and American libraries has produced three previously unnoticed manuscripts containing Malvern's *Polychronicon* continuation to 1381. All of these manuscripts follow Corpus Christi College, Cambridge, MS. 197 verbatim until 1381: British Library MS. Harley 448; Columbia University, George Plimpton MS. 252; Lambeth Library, MS. 181.

10 Taylor, *Universal Chronicle*, p. 122.

11 *Polychronicon Ranulphi Higden* 9 (London, 1886), pp. 1-283.

12 J. Armitage Robinson, 'An Unrecognized Westminster Chronicler', *Proceedings of the British Academy* 3 (1907) 61-77.

13 Taylor, *Universal Chronicle*, p. 122.

In addition to these, two manuscripts were found which contain Malvern's continuation to 1381, and which then continue until well after that date not with the monk of Westminster's chronicle, but with the *Vita Ricardi secundi*: Gonville and Caius College, Cambridge, MS. 58; Lambeth Library, MS. 160. An examination of their agreement with the text of the *Vita Ricardi secundi* for the years 1377-1381 increases the value of these manuscripts. For, like the other manuscripts transmitting Malvern's continuation and related to the *Vita Ricardi secundi*, these manuscripts reveal the precise textual alignment of the *Vita Ricardi secundi* with Malvern's continuation. More to the point, as we shall see, these manuscripts prove beyond a doubt that the compiler of the *Vita Ricardi secundi* borrowed from Malvern's text for the years 1377 to 1381, and not the reverse.

A close textual study reveals that the entire fabric of the *Vita Ricardi secundi* for the period 1377-1381 is surprisingly similar, although not literally identical, to segments of Malvern's continuation and to Walsingham's Short Chronicle. Since MS. Bodley 316 appears to be the earliest manuscript of Walsingham's Short Chronicle, it will be the object of our focus vis-à-vis the *Vita Ricardi secundi*.¹⁴ For Malvern's narrative, which is almost identical with 'Rolls Series A' from 1377 to 1381, the text will be that found in Gonville and Caius College, Cambridge, MS. 58. From the point where Malvern ends in 1381 this manuscript conveys the text of the *Vita Ricardi secundi* until 1399.

An entire section of Malvern is identical to the first folios of the *Vita Ricardi secundi*, beginning with 'Infra quam solennitatem' and ending with 'regno Anglie generatum'.¹⁵ The *Vita Ricardi secundi* then aligns with a brief portion of Walsingham, beginning with 'Per idem tempus' and concluding with 'triduo preda agit'.¹⁶ At this point, the *Vita Ricardi secundi* takes up with the Malvern text, beginning with 'Postea Franci intrarunt' and ending with 'illo fuerunt perpetrata'.¹⁷ After a transitional phrase, the *Vita Ricardi secundi* follows Walsingham, 'Gallici fecerunt impetum' and continues until 'per Gallicos infestati'.¹⁸ Then, after passing over some material in Walsingham, our text is again alike with that narrative from 'Hoc etiam anno' to 'indulgentia principis evasit'.¹⁹

At this juncture, much that is found in Malvern is found in the *Vita Ricardi secundi*, beginning with 'post coronationem regis' and ending with 'novo erunt electi'.²⁰ After again by-passing some material, from 'Eo quoque anno' until 'car-

14 For Walsingham's Short Chronicle see V. H. Galbraith, 'Thomas Walsingham and the St. Albans Chronicle', *English Historical Review* 47 (1932) 12-30.

15 Claudius B. ix, fol. 266; Tiberius C. ix, fol. 1; Gonville and Caius 58, fol. 241v.

16 Claudius B. ix, fol. 266; Tiberius C. ix, fol. 1; Bodley 316, fol. 167.

17 Claudius B. ix, fol. 266; Tiberius C. ix, fol. 1; Gonville and Caius 58, fol. 241v.

18 Claudius B. ix, fol. 266; Tiberius C. ix, fol. 1; Bodley 316, fol. 167.

19 *ibid.*

20 Claudius B. ix, fols. 266-266v; Tiberius C. ix, fol. 1; Gonville and Caius 58, fol. 241v.

dinalem Romanum decrepitum', the *Vita Ricardi secundi* is similar to Malvern.²¹ The subsequent material in Malvern is slightly different from the *Vita Ricardi secundi*, but, beginning with 'Qui Urbanus sextus' a considerable portion of Malvern is alike in the *Vita Ricardi secundi*. This portion concludes with 'submersi quod nobis'.²²

Beginning with the subsequent sentence, the *Vita Ricardi secundi* presents a beautifully dove-tailed pattern of alignment with Malvern and Walsingham. A long portion of the latter, beginning at 'Eo tempore Johannes' and ending with 'ad solum prostravit' is followed by a shorter selection in Malvern, 'Anno eodem consequenter', to 'mensem continue obsederunt'.²³ At this point, there is a sudden switch back to Walsingham, from 'quod cernentes inclusi' until 'inglorius et verecundus'.²⁴ Again, there is an abrupt transition to Malvern with the very next passage, starting at 'Eodem anno in' and ending with 'quidem hoc fecerunt'.²⁵ An introductory section is then given and we find ourselves once again reading material similar to MS. Bodley 316 from 'ceperunt in bello' until 'rei novitate universis'.²⁶ Some items are then ignored, but from 'Eodem anno Scoti' until 'causa prima quare' the *Vita Ricardi secundi* is again similar to Walsingham.²⁷

From 'Hoc eodem anno' the *Vita Ricardi secundi* reads as the Malvern account until 'in maximum detrimentum'.²⁸ There is then another switch to alignment with Walsingham, from 'in quo nova' until 'annue pensionis taxaretur'.²⁹ From 'Eodem anno circa' until 'curiam suam tenet' the text adheres to Malvern; but starting with 'dominus Johannes de' through some rejected information in Walsingham, found between 'regalibus usibus confiscarentur' and 'Falsi Flandrenses per' and ending with 'a curia Romana', the *Vita Ricardi secundi* resembles Walsingham.³⁰

For the remainder of its account of Edmund Bromfeld, the *Vita Ricardi secundi* presents a tightly-knit pattern of alignment with both Malvern and Walsingham. Beginning at 'et infra modicum' and continuing until 'contra huiusmodi impetrantes' the similarity is to Malvern.³¹ Then, from 'circa annum xxviii' until

21 Claudius B. ix, fol. 266v; Tiberius C. ix, fols. 1r-v; Gonville and Caius 58, fols. 241v-242.

22 Claudius B. ix, fols. 266v-267; Tiberius C. ix, fol. 1v; Gonville and Caius 58, fol. 242.

23 Claudius B. ix, fol. 267; Tiberius C. ix, fols. 1v-2; Bodley 316, fols. 167r-v; Gonville and Caius 58, fol. 242.

24 Claudius B. ix, fol. 267; Tiberius C. ix, fol. 2; Bodley 316, fol. 167v.

25 Claudius B. ix, fol. 267; Tiberius C. ix, fol. 2; Gonville and Caius 58, fols. 242r-v.

26 Claudius B. ix, fols. 267r-v; Tiberius C. ix, fol. 2; Bodley 316, fol. 167v.

27 Claudius B. ix, fol. 267v; Tiberius C. ix, fols. 2r-v; Bodley 316, fol. 167v.

28 Claudius B. ix, fol. 267v; Tiberius C. ix, fol. 2v; Gonville and Caius 58, fol. 242v.

29 Claudius B. ix, fols. 267v-268; Tiberius C. ix, fol. 2v; Bodley 316, fol. 168.

30 Claudius B. ix, fols. 268r-v; Tiberius C. ix, fols. 2v-3; Bodley 316, fol. 168; Gonville and Caius 58, fol. 242v.

31 Claudius B. ix, fol. 268v; Tiberius C. ix, fol. 3; Gonville and Caius 58, fol. 243.

'iura presumpserat exercere' the text reads as Walsingham.³² From 'Propter que infra' until 'tres qui evaserunt' we follow Malvern; the remainder of this sentence is as Walsingham, from 'primo ad turrim' until 'custodiendi artius diriguntur'.³³ The following sentence aligns with Malvern, from 'Et ita ex' until 'modicum est dolendum', but we then follow a long segment from Walsingham. Beginning with 'cum propter hanc' and running through until 'et commensalis eiusdem' the *Vita Ricardi secundi* reads almost verbatim as Walsingham.³⁴

Beginning with 'Eodem anno in' and ending with 'perditis et submersis', Malvern is similar to the *Vita Ricardi secundi*.³⁵ Referring to MS. Bodley 316, we find that the portion from 'Ferunt quidem eundem' until 'cum hominibus perdidierunt' reads as Walsingham.³⁶ From 'Pro quo quidem' until 'de populo seculari' the *Vita Ricardi secundi* again resembles Malvern.³⁷ At 'Rome in die' our text reads as MS. Bodley 316 through 'manerio de Bislet'.³⁸ At 'vii die mensis' we again follow Malvern until 'populi multitudinis innumerosae' where a clause is omitted; the alignment resumes with 'Materia vero istius' and continues until 'manus regis Francie'.³⁹ This is the last section of alignment between the *Vita Ricardi secundi* and Malvern.

In order to show that the Evesham compiler was indeed indebted to Malvern, we must prove that the manuscripts containing Malvern's narrative antedate the *Vita Ricardi secundi* manuscripts. We are fairly safe in dating the composition of the *Vita Ricardi secundi* manuscripts as well after 1381, for under their account of the events of 1379, they list a pension granted to Edmund Bromfeld in 1388.⁴⁰

Regarding Malvern's continuation, there is abundant evidence to show that the manuscripts were composed in or shortly after 1381. In his edition of Murimuth's continuation Thomas Hog adduced several references from the manuscripts which indicate a possible contemporary date of composition. Of these, the reference to the description of the Black Prince as 'nostro tempore incomparabilis' during the opening lines of the account of 1377 would seem to be the most persuasive.⁴¹ Professor Taylor has dealt with most of these manuscripts, and he observed that 'Malvern's continuation, based on sources which were themselves written during

32 Claudius B. ix, fol. 268v; Tiberius C. ix, fols. 3r-v; Bodley 316, fols. 168r-v.

33 Claudius B. ix, fol. 268v; Tiberius C. ix, fol. 3v; Gonville and Caius 58, fol. 243; Bodley 316, fol. 168v.

34 Claudius B. ix, fols. 268v-269; Tiberius C. ix, fol. 3v; Bodley 316, fol. 168v.

35 Claudius B. ix, fol. 269; Tiberius C. ix, fol. 3v; Gonville and Caius 58, fols. 243r-v.

36 Claudius B. ix, fols. 269r-v; Tiberius C. ix, fols. 3v-4; Bodley 316, fol. 168v.

37 Claudius B. ix, fol. 269v; Tiberius C. ix, fol. 4; Gonville and Caius 58, fol. 243v.

38 Claudius B. ix, fol. 269v; Tiberius C. ix, fol. 4; Bodley 316, fols. 168v-169.

39 Claudius B. ix, fol. 269v; Tiberius C. ix, fol. 4; Gonville and Caius 58, fol. 243v.

40 Claudius B. ix, fol. 269; Tiberius C. ix, fol. 3v. This entry is not found in the Malvern tradition: cf. Gonville and Caius 58, fol. 243.

41 Hog, *Chronicon sui temporis*, p. 228 and n. 1.

the 1380's, ... follows the main text of a *Polychronicon* in several manuscripts'.⁴² He also noted that 'in most of these manuscripts the continuation goes to 1377 (*unus puer octo annorum*), ...'⁴³ Interestingly, in each of the Malvern manuscripts cited by Taylor, as well as in those that I found, the opening lines of the year 1377 contain a reference to King Edward III which is certainly as persuasive as the description of the Black Prince found in Hog's manuscripts. That is, Richard II is described as 'heres domini Edwardi tertii, ilustris regis Anglie, nuper defuncti, ...'⁴⁴ Clearly, the 'nuper defuncti' indicates a date of composition not long after the death of King Edward III.

There are additional hints that the Malvern manuscripts were written sometime in the 1380's, prior to the compilation of the *Vita Ricardi secundi*. With only three exceptions, the Malvern manuscripts end abruptly and conclusively in their accounts of the year 1381. One of the exceptional manuscripts, Corpus Christi College, Cambridge, MS. 197, has a continuation until 1394; this is the manuscript which J. Armitage Robinson has shown to be from the pen of a different author, an anonymous monk of Westminster. In this manuscript, therefore, Malvern's text ran until 1381, at which point a different text was grafted on to it as a continuation of Malvern to 1394.

The two remaining exceptional manuscripts are among those additional manuscripts containing Malvern's text which I uncovered. Just as J. Armitage Robinson has shown that Corpus Christi College, Cambridge, MS. 197 continues beyond Malvern's conclusion in 1381 with a different text, it can now be shown that these two manuscripts, Gonville and Caius College, Cambridge, MS. 58 and Lambeth Library, MS. 160, which contain Malvern's narrative until 1381, continue beyond 1381 with the text of the *Vita Ricardi secundi*.

Although this attests the popularity of the *Vita Ricardi secundi* as a *Polychronicon* continuation, more important for our purposes is the discovery that these two manuscripts provide conclusive proof that the Evesham compiler borrowed from Malvern. All of Malvern's manuscripts end in 1381, at a point just after their account of Bertram du Guisclin's death. It would be well to quote the final sentence found in all of these manuscripts: 'Mense Martii eiusdem anni dominus Thomas Hatfeld, episcopus Dunelmensis, moritur, senex multorum dierum.'⁴⁵

Now, in both Gonville and Caius College, Cambridge, MS. 58 and Lambeth Library, MS. 160 the text of the *Vita Ricardi secundi* is awkwardly appended to

42 Taylor, *Universal Chronicle*, p. 123.

43 *ibid.*

44 Cf. Gonville and Caius 58, fol. 241v.

45 *ibid.*, fol. 244.

this concluding sentence of Malvern's continuation. That is, the sentence following the relation of Hatfeld's death in these manuscripts reads as follows: 'In cuius regni principio suboritur grandis tumultuatio inter communes et procures, ... seu potius extortarum.'⁴⁶ Certainly, this bears no relevance whatsoever to what immediately precedes it in the Malvern manuscripts: 'Mense Martii eiusdem anni dominus Thomas Hatfeld, episcopus Dunelmensis, moritur, senex multorum dierum.' In the standard *Vita Ricardi secundi* manuscripts, however, the preceding sentence is in the same context as what follows it: 'Mense Septembris coronatus est filius Karoli, quondam regis Francie, parvulus admodum decim vel undecim annorum. In cuius regni principio, ...'⁴⁷ Put another way, the rough transition from Malvern's text to the *Vita Ricardi secundi*'s text at the point where Malvern ends in 1381 indicates that these two manuscripts were meant to be extended beyond 1381 with another narrative, however, crudely appended — the *Vita Ricardi secundi*.

To sum up. We have seen that the portion 1377 to 1381 in the *Vita Ricardi secundi* was not taken 'verbatim' from a continuation of Adam of Murimuth's *Chronica*, as Thomas Hog would have it. We have also seen that E. Maunde Thompson's depiction of the *Vita Ricardi secundi* as dependent upon Walsingham 'for the first twelve years of its text' is far from accurate. This is especially true concerning the narrative for the years 1377 to 1381 in the *Vita Ricardi secundi* which is actually an amalgam of material from Walsingham and Malvern. Finally, the compiler of the *Vita Ricardi secundi* was indebted to Malvern's *Polychronicon* continuation for the years 1377 to 1381. It would be illogical to argue that the reverse were true; that Malvern's text from 1377 to 1381 was constructed from the *Vita Ricardi secundi*. Rather, later writers, laboring over Gonville and Caius College, Cambridge, MS. 58 and Lambeth Library, MS. 160, and with Malvern's continuation before them, copied from it as far as it went, and then simply continued beyond 1381 with the text of the *Vita Ricardi secundi*.

La Salle College.

⁴⁶ *ibid.*

⁴⁷ Claudius B. ix, fol. 270; Tiberius C. ix, fol. 4v.

ODO RIGALDUS,
A PRECURSOR OF ST. BONAVENTURE
ON THE HOLY SPIRIT AS *EFFECTUS FORMALIS*
IN THE MUTUAL LOVE OF THE FATHER AND SON

Walter H. Principe, C.S.B.

IN a study of St. Bonaventure's analysis of the question whether the Father and Son love each other 'by the Holy Spirit', I stated rather too hastily that Bonaventure was the first to explain this statement by presenting the Holy Spirit's role in this love *in ratione effectus formalis*.¹ As was noted there, the term 'formal effect' and the concept it expresses were influential in subsequent discussions of this topic, so that it is of some interest to identify the first author to use them.²

Since the article was written, there have been more time and opportunity to examine several authors who might have used this term and concept before Bonaventure.³ This further research revealed no use of *effectus formalis* within this question by Richard Fishacre, Gueric of St. Quentin, John Pagus or the *Commentary on the Sentences* of MS. Vaticanus latinus 691.⁴ Preliminary soundings in John of La Rochelle's important and extensive scriptural commentaries have

1 'St. Bonaventure's Theology of the Holy Spirit with Reference to the Expression "Pater et Filius diligunt se Spiritu Sancto"' in *S. Bonaventura: 1274-1974*, ed. Commissio Internationalis Bonaventuriana, 4 (Grottaferrata [Rome], 1974), pp. 243-69; see especially pp. 265-67, 269. Hereafter referred to as 'Bonaventure'.

2 *ibid.*, p. 269.

3 This and other research was made possible by a Canada Council Research Grant and Leave Fellowship, for which I should like to thank the directors. For texts of a number of authors before Bonaventure who prepared the way for but did not use the term see *ibid.*, 265 n. 65 and 253.

4 Fishacre's discussion was examined in Oxford, Balliol College MS. 57, fol. 27rb-va (1 *Sent.* 10) and fol. 59vb (1 *Sent.* 32). Gueric's discussion is found in the fourth of his quodlibetal questions located in MS. Vaticanus latinus 4245 (I am preparing an edition of all his quodlibetal questions). John Pagus' analysis is found in Padua, Biblioteca Antoniana MS. 139, fol. 17ra-rb *mg.* (1 *Sent.* 10), and more briefly on fol. 44ra *mg.* (1 *Sent.* 32). In MS. Vaticanus latinus 691 there are two discussions, one on the margins of fol. 14va-vb (1 *Sent.* 10), the other on the margins of fol. 36va (1 *Sent.* 32).

yielded no results, but much more remains to be done in this original and influential author.

More positive results, however, were forthcoming from an examination of the anonymous *Commentary on the Sentences* of Vienna, Nationalbibliothek MS. 1532, and even more from research in Bonaventure's teacher, Odo Rigaldi, who in his *Commentary on the Sentences* uses the term *effectus formalis* several times in order to explain how the Father and Son love each other 'by the Holy Spirit'. Here we shall first present the single text of the anonymous *Commentary* and then concentrate on Odo's texts using *effectus formalis* without attempting to present the whole of his teaching on this question, much less his entire and even more interesting theology of the Holy Spirit as love.

Bruno Carra de Vaux Saint-Cyr has shown that one section of a *Commentary on the Sentences* found in Vienna, Nationalbibliothek MS. 1532 (that is, fols. 106ra to 129vb, covering book 3, distinctions 1 to 18) is not, as had been thought, a version of Odo Rigaldi's *Commentary* but rather the work of another author anterior to both Odo and the *Summa fratris Alexandri*: the *Summa*, in fact, shows the influence of the text of this anonymous author, who might well be John of La Rochelle.⁵ Fols. 1ra to 25vb of this same manuscript contain another section of a commentary, this time covering book 1, distinctions 26 to 46. This section may be the work of still another author but it may well also be the work of the author of the section already described since both are written in the same hand, which is different from others in the rest of the manuscript. In any case, this section commenting on book 1 is not Odo's *Commentary*.⁶

Within this section is found the commentary on book 1, distinction 32, a place that ordinarily contains the discussion of the Father and Son's mutual love 'by the Holy Spirit'.⁷ In solving the problem raised by this expression, the author first quotes in abbreviated form a section of the letter of Richard of St. Victor that had become influential in this discussion.⁸ The last lines of his quotation read:

Similiter, quod Pater diligit Spiritu Sancto non sic intelligitur quod Spiritus Sanctus sit origo dilectionis quae est Pater, sed dicitur diligere Spiritu Sancto non quod per eum amorem habeat sed exhibeat, non quod amorem per eum accipiat sed per eum impendat.⁹

⁵ 'Une source inconnue de la *Summa fratris Alexandri*', *Revue des sciences philosophiques et théologiques* 47 (1963) 571-605.

⁶ See *ibid.*, 575-77, 593-98. I have verified this conclusion by comparing the commentary on 1 *Sent.* 32 with that of Odo: the differences are considerable.

⁷ As is clear from the references *supra*, n. 4, distinction 10 of book 1 sometimes contains the discussion. See also 'Bonaventure', 245.

⁸ On this letter, regularly attributed to Hugh of St. Victor in these discussions, and on its influence see 'Bonaventure', 247, 251-53, 264-65.

⁹ fol. 6vb. For the original text see *Richard de Saint-Victor: Opusculs théologiques*, ed. J. Ribaillier (Textes philosophiques du moyen âge 15; Paris, 1967), p. 165.

He then asks what relationship is expressed by the ablative case when the Father and Son are said to love each other 'by the love' which is the Holy Spirit. He replies that it is a relationship of 'formal effect'. This is illustrated by human love, which informs the soul that loves 'by love' and yet proceeds from the soul:

Quod ergo quaeritur quam habitudinem dicat ablativus cum dicitur 'Pater et Filius diligunt se amore qui est Spiritus Sanctus', dicendum quod dicit habitudinem effectus formalis: sicut cum dicitur 'Anima diligit amore', amor informat animam et tamen procedit ab ipsa. Unde amor est formalis et etiam effectus.¹⁰

The author amplifies his explanation by quoting another section of Richard of St. Victor's letter, then concludes the entire discussion by saying: 'Ex hac auctoritate ostenditur quod amor essentialiter et personaliter accipitur et quod convenienter dicitur "Pater et Filius diligunt se amore procedente ab ipsis"'.¹¹

This is the only use of the term *effectus formalis* that I have found in this *Commentary*. It is unfortunate that the commentary on the earlier distinctions of book 1, especially distinction 10, is missing from the manuscript because it might contain other texts using the term. In any case, if, as Carra de Vaux Saint-Cyr cautiously suggests, this section is part of the same commentary as that on book 3,¹² this text would be the earliest thus far discovered to use the term *effectus formalis* and might have John of La Rochelle as its author. Without further research one cannot be sure whether this section of the commentary precedes Odo's and Bonaventure's commentaries or follows Odo's and perhaps even Bonaventure's. There is, however, one indication that it may precede Bonaventure's commentary: the author discusses the question only in terms of the expression 'Pater et Filius diligunt se amore qui est Spiritus Sanctus' rather than 'Pater et Filius diligunt se Spiritu Sancto'. This reflects a distinction clung to by earlier authors but no longer maintained by Bonaventure.¹³

Turning now to Odo Rigaldus, we find a much more extensive use of the term *effectus formalis*.¹⁴ Although Odo discusses the Holy Spirit as love in com-

10 fol. 6vb.

11 fol. 6vb. The quotation reads: 'Unde <Hugo> de Sancto Victore: "Animus humanus amor suus non est, sed ab ipso amor procedit, et ideo seipso non diligit, sed amore qui ab ipso procedit. Pater vero amor est et Spiritus Sanctus eius amor est et ideo Pater seipso et Spiritu Sancto diligit. Diligit seipso amore, diligit et suo amore. Si recte diligere diceris amore qui de te procedit, cur Pater et Filius non dicantur recte diligere amore qui ab ipsis procedit?"'. Cf. Richard's text in Ribailier, pp. 165-66.

12 'Une source inconnue', 593-98.

13 See 'Bonaventure', 269; cf. 258-67.

14 Odo Rigaldus was born early in the thirteenth century and entered the Franciscan Order about 1236. He studied at the University of Paris under Alexander of Hales. Having lectured on the *Sentences* (likely between 1243 and 1245), he succeeded John of La Rochelle as regent master

menting on book 1, distinction 10, he reserves discussion of our question until distinction 32 of the same book.¹⁵ There he first gives a number of arguments for and against the expression and then summarizes a number of the opinions that had grown up in the schools over many decades.¹⁶ In these earlier presentations he already reveals his hesitancy about the expression 'Pater et Filius diligunt se Spiritu Sancto', finding it less satisfactory than the expression 'Pater et Filius diligunt se amore qui est Spiritus Sanctus'. This hesitancy recurs as he begins his basic reply to the question:

... Haec autem: 'Pater et Filius diligunt se Spiritu Sancto', secundum quod li se construitur transitive¹⁷, non reciproce, vel falsa est vel non est ita propria sicut haec: 'Pater et Filius diligunt se amore qui est Spiritus Sanctus'.¹⁸

How is the ablative *amore* to be understood, Odo asks? Not causally (this would make the Holy Spirit a cause to the Father and Son) but either 'ostensively' or formally, he replies. The term *ostensive* refers to the well known opinion of Simon of Tournai, who held that the Holy Spirit is described in the expression as the sign of the Father and Son's love.¹⁹ Odo had already shown some reservations about Simon's opinion and prefers to see in the ablative the designation of some kind of formality. But in that case he must at once eliminate

in September 1245; among his students was St. Bonaventure. In 1248 he was named archbishop of Rouen and became a very active administrator. He died 2 July 1275.

See P. Andrieu-Guitrancourt, *L'archevêque Eudes Rigaud et la vie de l'église au XIII^e siècle* (Paris, 1938); G. Gál, 'Rigaud (Rigaldus), Eudes (Odo)', *Enciclopedia cattolica* 10 (1953) 911; A. Emmen, 'Odo Rigaldus (Eudes Rigaud)', *Lexikon für Theologie und Kirche*, 2nd ed., 7 (1962) 1102; T. de Morembert, 'Eudes Rigaud', *Dictionnaire d'histoire et de géographie ecclésiastiques* 15 (1963) 1328-29; K. F. Lynch, 'Odo Rigaldus', *New Catholic Encyclopedia* 10 (1967) 646; F.-M. Henquinet, 'Les manuscrits et l'influence des écrits théologiques d'Eudes Rigaux O.F.M.', *Recherches de théologie ancienne et médiévale* 11 (1939) 324-50, to be completed by K. F. Lynch, 'The Alleged Fourth Book on the Sentences of Odo Rigaud and Related Documents', *Franciscan Studies* 9 (1949) 87-145; W. R. Thomson, *Friars in the Cathedral: The First Franciscan Bishops, 1226-1261* (Studies and Texts 33; Toronto, 1975), chap. 5. Further bibliography can be found in each of these as well as in *S. Bonaventura: 1274-1974*, ed. Commissio Internationalis Bonaventuriana, 5 (Grottaferrata [Rome], 1974) (see index, p. 689, s.v. 'Odo Rigaldus').

¹⁵ The long opening section of I *Sent.* 32 containing this discussion is found in the MSS. used to establish our texts as follows: (B): Bruges, Bibl. Ville MS. 208, fols. 133ra-135rb; (P): Paris, Bibl. Nat. MS. Lat. 14910, fols. 73vb-75ra; (R): Brussels, Bibl. Roy. MS. 11614 (1542), fols. 49rb mg.-50ra mg.; (S): Brussels, Bibl. Roy. MS. II 1140 (1547), fols. 90va-92ra; (T): Troyes, Bibl. mun. MS. 824, fols. 72va-74ra; (V): Vatican City MS. Vat. lat. 5892, fols. 52vb-53vb. Only significant variants are noted.

¹⁶ For a summary of the main opinions and further developments to the time of Odo's *Sentences* see 'Bonaventure', 246-54.

¹⁷ transitive] retransitive V

¹⁸ B 134va; P 74va; R 49va mg.; S 91rb-va; T 73va; V 53rb.

¹⁹ On Simon's opinion see 'Bonaventure', 247-48, 262-63.

assimilating the expression about the Holy Spirit with the seemingly parallel expression 'Pater est sapiens sapientia quam genuit' (this expression was rejected by St. Augustine, and his rejection was used by opponents of the expression about the Holy Spirit):²⁰

Et si quaeratur quam causam dicit ibi li amore, potest dici, ut dictum est supra, quod ille ablativus non tenetur causaliter sed magis ostensive; vel potest dici quod tenetur formaliter, aliter tamen quam hoc quod dico 'sapientia' cum dicitur 'Pater est sapiens sapientia quam genuit'.²¹

To distinguish between the two cases, Odo analyzes the difference between knowledge and love: knowledge in lower beings is a movement toward the soul, a movement that somehow abides in the soul like a quality informing it and not going forth from it; love is a movement from the soul to the thing outside, a movement that is more a going forth from the soul than of abiding in it; it is more an act, more something related than a quality:

Est enim motus in inferioribus ad animam, sicut cognitio, et est motus ab anima ad rem extra, ut hoc quod dico 'diligere'. Motus ergo qui est ad animam est quodammodo ut quiescens in anima et ut qualitas ipsius animae et ut informans illam simpliciter et non ut²² egrediens ab ipsa; motus vero qui est ab anima se habet magis ut in ratione egredientis quam quiescentis in ipsa anima, et ideo magis se habet in ratione actus vel relati quam in ratione²³ qualitatis, et hoc patet: hoc enim quod dico 'diligens' magis dicit per modum actus quam hoc quod dico 'sapiens'.²⁴

Having made this difference clear, Odo now develops his analysis of love as proceeding, and it is here that he first introduces the term *effectus formalis*. When the soul is said to love by love proceeding from it, the ablative 'by love' is used 'quasi-formally' and denotes not a formal cause but 'as it were, a formal effect': 'Unde si dicatur quasi formaliter, sicut cum dicitur "Anima diligit amore procedente ab ipsa", ibi non dicitur proprie causa formalis, sed quasi effectus formalis.'²⁵ This is not true in the case of the Father and his wisdom, but it is true of the Father and Son loving each other 'by the Holy Spirit', a formulation Odo

20 See *ibid.*, 244, 262-63.

21 BPRTV *ibid.*; S 91va.

22 ut] *om.* PRST

23 ratione] relatione BRST *e corr.* S

24 *ibid.* Troyes, Bibl. mun. MS. 1501, contains a *Commentary on the Sentences* that, at least in this discussion, follows Odo closely if more summarily; here it says: 'Patet ... per hoc solutio ad primum quod obicitur de sapientia quia non est simile: sapientia enim dicit formam ut quiescentem et non ut procedentem, sed amor magis se habet ut in ratione egredientis et ideo magis se habet in ratione actus vel relati quam in ratione qualitatis' (1 *Sent.* 32, fol. 170r).

25 *ibid.*

now accepts while still maintaining that it is said less properly than the formulation 'by the love that is the Holy Spirit':

Similiter etiam est in divinis quantum ad modum dicendi. Unde si dicatur 'Pater est sapiens sapientia genita', ibi notatur per ablativum habitudo causae formalis et ideo haec est falsa. Cum vero dicitur 'Pater et Filius diligunt se Spiritu Sancto', ablativus non construitur in ratione causae formalis simpliciter sed magis in ratione quasi effectus vel egredientis formae²⁶, et ideo haec conceditur, licet non sit ita propria sicut haec: 'Pater et Filius diligunt se amore qui est Spiritus Sanctus'.²⁷

This main reply concludes with a quotation from the letter of Richard of St. Victor which shows, Odo says, that the Holy Spirit's role indicated in the expression is to be construed more after the manner of an effect than a cause.²⁸

In the crucial section of the text just quoted, at the point where Odo applies his analysis of love to the Trinitarian expression, the readings vary in the six manuscripts at our disposal: only two of them use the term *effectus formalis*. The correct reading might well be: 'ablativus ... construitur ... magis in ratione quasi effectus formalis vel egredientis formae'. Such a reading would take account of the manuscript variants and the context, and it is also supported by the reading of another commentary whose author frequently summarizes Odo in this discussion.²⁹ However this may be, Odo in replying to arguments he had presented earlier in the discussion does use the term *effectus formalis* six times. Thus, in answering one argument too complicated to reproduce here, he says that 'ille ablativus "Spiritu Sancto" non construitur in ratione causae sed magis in ratione ostensionis sive signi, sicut dicunt quidam, vel in ratione quasi effectus formalis, sicut ultimo dictum est.'³⁰ Here Odo meets the argument with either Simon of Tournai's opinion or with the one he has just advanced and seems to prefer.

Another argument states that if *diligere* in the expression designates the notional act of common spiration, this common spiration is not from the Holy Spirit but rather from the Father and Son and therefore the expression cannot be

26 formae] formalis BR, formantis T; quasi ... formae] effectus quasi egredientis formae S 27 ibid.

28 'Quod autem sit ibi constructio magis in ratione quasi effectus quam causae patet per Hugonem de Sancto Victore, qui dicit ...'; the relevant part of the quotation that follows (B 134va; P 74va-vb; R 49va mg.; S 91va; T 73va-vb; V 53rb) is practically identical with the text as quoted supra, p. 499.

29 Troyes, Bibl. mun. MS. 1501 (see n. 24), says: '... Sed hoc verbum "diligunt" super actum processionis addit modum quo Spiritus Sanctus ut donum vel ut amor procedit, et ideo, cum hoc sit quasi quaedam forma egrediens, recipit verbum determinationem ablativi in habitudine quasi cuiusdam formae egredientis sive quasi effectus formalis; et nota quod haec: "Pater et Filius diligunt se dilectione quae est Spiritus Sanctus" magis est propria quia "dilectio" magis dicit quod dicit in ratione nexus quam "Spiritus Sanctus"' (1 *Sent.* 32, fol. 170r).

30 B 134vb; P 74vb; R 49va mg.; S 91va; T 73vb; V 53rb.

correct. This argument would be valid, Odo replies, if the ablative *Spiritu Sancto* is construed causally, but in fact it is 'not construed causally but rather according to the notion of, as it were, a formal effect':

Et quod obicitur quod illa <communis spiratio> non est a Spiritu Sancto, immo magis e converso, dicendum quod verum est quod communis spiratio non est a Spiritu Sancto nec significatur per praedictam locutionem esset ab eo quia iste ablatus 'Spiritu Sancto', sicut dictum est supra, non construitur ibi in ratione causae sed magis in ratione quasi³¹ effectus formalis.³²

In pursuing another aspect of the same argument Odo denies the applicability of the notion of formal effect to the Word when it is said that the Father speaks 'by the Word':

Cum dicitur 'Pater loquitur Verbo', licet videatur denominari Pater per respectum ad proprietatem Filii, tamen non est ita formalis denominatio ibi sicut cum dicitur 'diliget amore': unde li Verbo non diceretur ibi construi in ratione causae vel etiam effectus formalis.³³

To an argument asking what relationship is expressed by the ablative *Spiritu Sancto* since no type of causality can be acceptable, Odo simply repeats what he has said, that is, his concept of formal *effect* eliminates any idea of causality: 'Ad id quod quaeritur quam habitudinem dicat ibi ablativus, dictum est supra quod non dicit ibi habitudinem alicuius causae sed habitudinem quasi effectus formalis, ut visum est supra.'³⁴ The reply to another argument again brings forth Odo's position that the concept of formal effect eliminates any notion of either causality or strict formality when one says that the Father and Son love each other either by the love proceeding from them or by the Holy Spirit: 'Ad aliud dicendum quod bene concedimus quod recte et proprie dicitur "Pater et Filius diligunt se amore qui ab ipsis procedit" vel etiam "Spiritu Sancto" (licet non ita proprie); tamen non oportet quod illud dicatur causaliter sive formaliter sed magis per modum quasi effectus formalis, ut dictum est supra.'³⁵

A final use of the concept of formal effect occurs when Odo has to reply to an argument drawing on the same example of human love between friends that he himself had already used. Odo begins by pointing out that the parallel is not exact in every way: in human love between friends, their love in one respect has a

31 in ratione quasi] quasi in ratione PT

32 B 135ra; P 74vb; R 50ra *mg.*; S 91vb; T 73vb; V 53va.

33 BPRSV *ibid.*; T 73vb-74ra.

34 BPRSV *ibid.*; T 74ra.

35 B 135rb; P 75ra; R 50ra *mg.*; S 91vb-92ra; T 74ra; V 53va.

certain causality that cannot be found in the Trinity:

Ad ultimum dicendum quod sicut iam in parte visum est, non est simile hic et³⁶ in divinis: hic enim inferius nihil impedit quod est posterius simpliciter esse prius secundum quid. Unde cum dicitur 'Isti diligunt se amore suo', licet amor istorum simpliciter posterior sit ipsis, tamen in quantum se habet in ratione informativi et completivi, se habet quodammodo in ratione prioris, et ideo nihil impedit quin ille ablativus possit construi in ratione causae formalis. Sed in divinis nec simpliciter nec secundum quid potest amor Patris et Filii esse prior ipsis.³⁷

The only way to understand the expressions about the Holy Spirit, Odo continues, is to use his own concept of formal effect or, if one wishes, the 'ostensive' or sign explanation of others:

Et ideo cum dicitur quod diligunt se amore qui est Spiritus Sanctus vel Spiritu Sancto, huiusmodi ablativi non possunt construi in ratione causae sive formalis sive alterius, sed magis construuntur in ratione quasi effectus formalis, ut dictum est supra, vel etiam ostensivi sive signi secundum alios; et sic patet solutio.³⁸

This concludes Odo's treatment of the question about the expressions of the Holy Spirit's role in the mutual love of the Father and Son. One receives the impression that Odo in using the term and concept of 'formal effect' is either advancing an original insight of his own or developing a doctrine that is quite new and without much authority in the schools. In either case, it is quite evident that he must be counted as at least one theologian who influenced his student, Bonaventure, to adopt *effectus formalis* for his own explanation of the expression 'Pater et Filius diligunt se Spiritu Sancto'.

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36 hic et] hoc S, hoc et V

37 BPRT *ibid.*; S 92ra; V 53va-vb.

38 BPRST *ibid.*; V 53vb.

DE SPERMATE HOMINIS :
A MIDDLE ENGLISH POEM ON HUMAN EMBRYOLOGY

Henry Hargreaves

IT is well known that in Middle English times verse was used, for mnemonic reasons, for all kinds of subjects. Amongst those which to a modern mind would seem most inappropriate is the recording of current views on human embryology. But such a poem, not hitherto published or even noted in the Brown-Robbins *Index*,¹ is found in the National Library of Scotland, Advocates' MS. 23.7.11, an obviously composite manuscript containing sections in various hands of the fourteenth and fifteenth centuries. Most of the material is astronomical or astrological, with frequent tables, and some calendars, and there are several pages of recipes in English (e.g. fols. 93-114); these contents, the stock subject matter for the medieval medical man, suggest that the manuscript was the property of one of the lay healers or leeches who, Robbins points out,² being much more numerous than the sixty or so university-trained physicians known from the fifteenth century, must have provided most medical care. There is a single stanza of Lydgate's *Dietary*,³ a poem likely to appeal to such an owner, on fol. 66, and the poem on embryology, written in a mid-fifteenth-century hand, on fols. 89v-90r. It reads:⁴

1 Carleton Brown and Rossell Hope Robbins, *The Index of Middle English Verse* (New York, 1943), and Rossell Hope Robbins and John L. Cutler, *A Supplement to the Index* (Lexington, Ky., 1965).

2 Rossell Hope Robbins, 'Medical Manuscripts in Middle English', *Speculum* 45 (1970) 408.

3 The first (inc. For helthe of body) of the Dietary proper: Index item 824, of which fifty-three other copies are recorded in *Index* and *Supplement*. Among other scribbles on the same page is 'From all maner of sikenes a medecyne I schal the teche', which looks like the first line of another mnemonic poem apparently not listed in the *Index*.

4 Capitalisation and punctuation are those of the manuscript; brackets are used to enclose words written between the lines, with a caret. Contractions are expanded into italics, partly to draw attention to the regularity of the ending *-pe/the* for the third person singular. The contraction is in all respects identical with the form of the contracted definite article, and as *resseiuiethe* (line 3) and *becomythe* (line 18) are spelled out in full, the scribe's intention cannot be doubted. I am grateful to the Trustees of the National Library of Scotland for permission to print the poem, and to Mr. Colin McLaren for palaeographical guidance.

De spermate hominis

The sede of *man and woman* clere as *cristal* it is
 Owre lorde hym selfe it made for *man* jwis
 The *womman* resseiuithe þe sede of *man* anone
 Wiþin þe moder thei ben medillid togedre ful sone
 Þe tone is hote þe toþer is colde congeylid þer it is
 After ix daies þer nature is of (o) substance jwys
 Of whizt colour it begynnyþe as it is wrete
 Tyl a bowȝt þe xij day after it is be gete
 Firste gendryþe (there) of smale bolles thre
 And eche faste on oþer ben o mowȝt hem se
 Of þe heyste comyþe the braynn: þe hert of thilke amydde:
 The lyuyr þat is nethermyste: is gendrid of þe thyrd
 Thos ben thre þe fyrste lymes þat kennyd beþe
 And in hem is al mannys lyffe as þe boke seyþe
 There nys none of thos iij þat hadde any wownde
 Þat euer myȝt helid be but dye wiþin a stownd
 After þe fyrste xij dayes þat þe sede haþ whizt be
 It becomythe to thykke blode and chaungþe his ble
 Nyne dayes it thikkyþe so til þe on and twenty day
 Þen turnyþe it fyrste to flesshe as þe kende may
 Affter xxx dayes furme it gynnyþe to nyme
 So þat wiþin xl dayes it haþe euery lyme
 And in lasse yef it be a mann for his more hete
 Then þe *womman* shal be (makyd) as it is i wrete
 A smale webbe byclyppyþe it to hold it togeder faste
 Fro þat it is gendryd fyrste tyl it be borne at þe laste
 Al rownde it lyþe in þe wombe bowyd as a hare
 When þat he in forme syttyþe for it is somdel nare
 Al j bowyd þe legges it wolde nought elles be
 Þe helys in þe bottokkys þe knees in eyther ye
 The hede bowyd donward þe armys eke wiþin
 The elbowys to þe share þe fistis to þe chynn
 Al bowyd is þe rygge so þat nyȝe rounde it is
 Man wher of is (þi) pryde ther is none jwys

fol. 90r

Sperma hominis

In a vernacular treatment of such a subject at this time, one can hardly expect much originality, but there is some interest in seeing how the material reflects the views of contemporary scientific scholarship in Latin. Thus the first line, by its inclusion of 'and woman', line 5, with its 'þe tone þe toþer', and the absence in the first few lines of any mention of menstrual blood, indicate that the author

must have been a supporter of what Needham calls 'the doctrine of the two seeds', in contrast to the Aristotelian doctrine that only the male contributed seed, while the female provided blood.⁵ A mid-sixteenth-century gynaecologist, Jacob Rueff, sums up the conflicting theories:

Postquam autem uterus, quod genitale foeminei sexus membrum est, viri genituram conceperit, suum quoque semen illi admiscet, ita ut ex ambobus utriusque sexus seminibus una mixtura fiat. Circa hanc autem proximam foetus materiam non omnibus idem est iudicium. Aristoteles enim foeminae menstruum praeparatam dicit esse totius foetus, licet crudam materiam, quae informetur intromisso in hanc virili semine in vitalem spiritum verso, qui artificis instar hanc distinguat, et fabri instar rude ferrum malleo super incudem complanantis, formet. Galenus autem ambo in matrice confusa semina primam foetus perhibet esse materiam, & ita quidem, ut sine debita horum mixtura nihil neque concipiatur neque generetur. Licet vero par horum confusio fiat, tamen non eandem eorum esse qualitatem, non est dubium. Calore enim et spissitudine viri genitura muliebre semen superat, quod prae illo magis humidum et frigidum, ideoque et aquosum magis esse, vel temperamenti ratione constat. Nihilominus tamen, licet in tantum qualitate differant, muliebre semen viri geniturae par in foetu constituendo praebet auxilium, ita ut utriusque virtute simul ipsa inter se semina mutuo coalescant.⁶

Secondly, though orthodox in his enumeration of the stages through which the embryo passes, the author suggests periods for them that do not fully accord with contemporary Latin textbooks. The *De formatione corporis humani in utero*, of Giles of Rome, is perhaps characteristic of these; chapter 15 'Quomodo formatur fetus hominis in utero et de tempore formationis eius' begins:

Quantum ad modum formationis fetus humani in utero satis doctores conveniunt quod primo hominis fetus sit albus quasi lac vel butirum; postea sit quasi sanguis, postea sit compactus quasi caro, ultimo autem ibi membra formantur; sed de tempore harum formationum magna discordia invenitur, et potissime quantum ad formationem membrorum.⁷

In a long discussion he then goes on to rehearse the opinions of Augustine,⁸ Avicenna,⁹ a gloss on Leviticus 12 and a statement, 'in quodam autem libro

5 Joseph Needham, *A History of Embryology*, 2nd ed. (Cambridge, 1959), p. 35 n. 1.

6 Jacobus Ruffus, *De conceptu et generatione hominis libri sex*, in the collection by Israel Spachius, *Gynaeciorum sive de mulierum tum communibus, tum gravidarum ... affectibus et morbis libri Graecorum Arabum Latinorum ...* (Strassburg, 1597), p. 168.

7 *Tractatus aureus Egidii Romani de formatione corporis humani in utero philosophis & medicis necnon theologis & Canonistis valde utilis & necessarius* (printed with *Passionarius Galeni*) (Lyons, 1526), fol. xxxi va.

8 *De diversis quaestionibus lxxxiii* 56 (CCL 56.95-96).

9 *De animalibus* 9. 5.

medicorum qui intitulum "De spermate" dicitur quod mas formatur in xxx diebus, femina in xl, non dans formationi femine ultra formationem masculi nisi x dies'; ultimately he reconciles most of his authorities to a minimum of thirty days and a norm of forty. But none of the authorities he cites assumes the first stage to be as long as twelve days. Other more popular authorities too, accepting the sequence of stages, differ in the periods they assign to them. Albertus Magnus in *De secretis mulierum et virorum* first sets out the facts in prose:

sex primis diebus ... dealbatur sicut lac ... materia transmutatur ... per novem dies;
postea ... fit consolidatio ... in duodecim diebus ... postea vero solet facies formari &
dispositio corporis ... hoc fit per xviii dies ...

and then quotes Latin mnemonic verses:

Conceptum semen sex primis quoque diebus
Est quasi lac; reliquis novem fit sanguis; ab inde
Consolidat duodena dies; bis nona deinceps
Efficiat; reliquum tempus producit ad ortum.¹⁰

Michael Scotus has two differing versions in the *Liber physiognomiae*, in prose:

in primis sex diebus ... tamquam lac ... postea in tribus diebus ... fit tamquam sanguis; in sex diebus sequentibus ille ... coagulatur ... postea in xij diebus formantur membra principalia ... postea in tribus diebus cetera membra ... postea in sex diebus caput distinguitur a spatulis ... postea in quattuor diebus ... membra habent perfectionem ...

and in elegiac verse:

Tres in lacte dies; tres sunt in sanguine trini;
Bis seni carnem; ter seni membra figurant
Post quadraginta dies vitam capit hic animamque.¹¹

It is the figures of Albertus' verses which later seem to be accepted as normal; with minor variations of wording (none affecting the figures) they are quoted by Nicholas Roche in *De morbis muliebribus curandis liber*¹² and by Jacob Rueff;¹³ in Roche's work they are preceded by a version of the first couplet of the elegiacs with the initial word reading 'Sex'. In the edition of Spachius this has the words 'Ægidii versus' printed alongside, but I have not found it in the printed version of Giles's work.

10 I have used the incunable copy kept in Aberdeen University Library as Inc. 192, place and date of printing unknown but described as (except for minor variants) 'same as Copinger 199': sig. b iiv-b iiir.

11 Printed by Michael Wenssler of Basel, n.d. [1480], chap. 8, sig. b ira-b.

12 in Spachius, pp. 96-97.

13 *ibid.*, p. 171.

Thirdly, the enumeration of and the importance given to the *principalia membra* are usual; as the quotation from Michael Scotus shows, it is generally accepted that certain organs developed early. These always include liver, heart, and brain, but Scotus adds a fourth — the testicles. Giles of Rome recognises only the three, describing them as 'vasa spirituum'¹⁴ — the seats of respectively the Natural, Vital and Animal Spirits. It is presumably this role that the English poet alludes to in the line, 'And in hem is al mannys lyffe as þe boke seȝpe', going on with a practical point about the fatalness of a wound on any one of the three that would clearly not be applicable to Scotus's fourth.

Finally, his description of the foetal position seems, to a layman at least, considerably more accurate than those depicted in most of the early engravings included in such collections as that of Spachius, many of which show a foetus quite upright, sometimes even with arms stretched out above the head.¹⁵ That the foetal position too was a subject of some dispute is shown by Thomas Raynalde, the author of a mid-sixteenth-century vernacular work on midwifery. In annotating one of his diagrams, which shows a foetus with head only very slightly bent forward and arms and legs crossed, he writes:¹⁶

... it is most untrue that the chylde doth lye in the wombe rounde, like as it were bowed, so that the knees should touche to the face, but as he is set here ...

This emphatic rejection of the adjective 'bowed' can be contrasted with its equally emphatic employment in the poem, four times in as many couplets. In this matter as in the others, it may be assumed, the anonymous author of *De spermate hominis* was aware of differing current professional opinions and was prepared to take one side in the controversy. His work may not be of the highest quality as poetry, but it offers a valid introduction to medieval embryological thought.

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14 fol. xxxi vb.

15 As those of Roche in Spachius, pp. 180 ff., some of which are used again, p. 410.

16 Thomas Raynalde, *The Byrth of mankynde, otherwyse named the womans Booke* (n.p., 1560), fol. 1. The actual figure he is annotating is on a separate sheet, which I suspect to be derived, through an incompetent engraver, from another work, since the roman numerals appear as mirror images of their true form, for the one under discussion thus, '.IIIV', though the explanatory letters such as 'B,C,D' are printed the right way. Raynalde's own later 'figures' (between fol. lxii and fol. lxiii) are cruder in execution than those he annotates and show the foetus quite upright.

'POPE POKETT' AND THE DATE OF *MANKIND*

Thomas J. Jambeck and Reuben R. Lee

SOME years ago, W. K. Smart identified most of the local personalities named in the morality play *Mankind* as rather prominent ecclesiastical or civil officials closely connected with the town of Cambridge and its immediate environs.¹ However, one apparent allusion to a contemporary figure is overlooked in Smart's catalogue — and understandably so, embedded as it is in the scurrilous exchange between Nought and Nowadays at the outset of the play:

Nowadays. Who spake to þe, foll? þou art not wyse!

Go and do þat longyth to þin offyce:

Osculare fundamentum!

Nought. Lo, master, lo, here ys a pardon bely-mett.

Yt ys grawntyde of Pope Pokett,

Yf ȝe wyll putt yowr nose in hys wyffys sokett,

ȝe xall haue forty days of pardon.²

(140-146)

While Nought's rejoinder may very well represent a conventional, albeit indelicate, jibe at papal avarice, an alternative reading is possible. The *Bibliotheca topographica Britannica* records a John Poket elected prior of Barnwell Abbey in 1444 and whose term of office extended to his death in 1464,³ the date which has been established as the *terminus a quo* of the play.⁴ The identification of Prior Poket with the 'Pope Pokett' of *Mankind* has a certain currency on two counts. First, the proximity of Barnwell Abbey to Cambridge involved the priory continually with the political administration of both town and university.⁵ What is

1 W. K. Smart, 'Some Notes on *Mankind*', *Modern Philology* 14 (1916) 45-58.

2 Mark Eccles, ed., *The Macro Plays* (EETS 262; London, 1969), p. 158. Hereafter cited as *The Macro Plays*.

3 Thomas Rutherford, *The History and Antiquities of Barnwell Abbey and of the Sturbridge Fair* in *Bibliotheca topographica Britannica* 38 (London, 1786), p. 59. Cf. also the Appendix, p. 15, for Poket's death notice.

4 Donald C. Baker, 'The Date of *Mankind*', *Philological Quarterly* 42 (1963) 90-91.

5 Rutherford, *History and Antiquities*, pp. 9-78.

particularly significant in this regard is that at least on one recorded occasion Prior Poket is directly linked in a judicial proceeding with another of the contemporary figures mentioned in the play — a 'Master Alyngton of Botysam' — identified by Smart as a justice of peace for the county of Cambridge and, therefore, one whom Nought is logically eager to avoid:

Nought. I xall goo to Wyllyam Patryke of Massyngham,
I xall spare Master Alyngton of Botysam
Ande Hamonde of Soffeham,
For drede of in manus tuas qweke.⁶ (513-516)

According to the *Calendar of Patent Rolls* for 1461-1467, Alyngton was appointed commissioner on 1 December 1461, and again on 3 February 1462, to consider a 'complaint by the prior and convent of Bernewell that the tenants in bondage of their manor of Chesterton, co. Cambridge, have thrown off their allegiance'.⁷

Second, the appellation 'Pope', however ironical its intended purpose, appears to have been justified, for during the tenure of his office at Barnwell, Poket served as papal representative in several actions. Aside from the commonplace right conferred upon a prior to grant minor ecclesiastical posts to worthy clerks, a right granted to Poket by Nicholas V on at least two occasions,⁸ the pope also placed a good deal of trust in Poket's ability to evaluate and judge upon diocesan issues which were locally sensitive. On 22 May 1453, for example, Nicholas V issued an order for Poket to investigate the claim of Laurence Cheney that the chantry of which Cheney was the sole patron could no longer maintain a resident chaplain. Because the issue was complicated by Cheney's desire to retain the chaplain as his personal confessor, the pope asked the prior to intervene, 'to summon the rector of the said church and others concerned, and if he find the facts to be as stated, to grant the said Laurence and his successors, patrons of the said chantry, license to keep the chaplain for the time being in their house'⁹ Again, on 26 July 1453, Nicholas V issued a mandate to Poket to arrange the transferral of a disputed chantry to the control of the prioress and congregation of Denny. Since the original secular founder had abdicated his responsibility, the abbess and her convent 'allege that they are the patronesses of the chantry' and, therefore, the chantry and its yearly value should be 'appropriated in perpetuity to the said monastery'. Nicholas V ordered Poket to ascertain the truth of the

⁶ *The Macro Plays*, p. 170.

⁷ *Calendar of the Patent Rolls, 1461-1467* (London, 1897), p. 68.

⁸ J. A. Twemlow, ed., *Calendar of Entries in the Papal Registers Relating to Great Britain and Ireland: Papal Letters* 10 (London, 1915), p. 372.

⁹ *ibid.*, p. 161.

allegation, 'to summon the executors of the wills of the said founder and augmentors, and if he find the above to be true', to arrange for the consolidation.¹⁰ In view of the papal confidence in Poket's ability and in the light of the prior's exercise of papal authority in such 'country matters', it is not surprising to find him derided as 'Pope Pokett'.

Aside from its antiquarian interest, the evidence which associates 'Pope Pokett' with the prior of Barnwell Abbey serves as well to establish a likely date for the composition of *Mankind*. In his edition of *The Macro Plays*, Mark Eccles cites 1470 as the probable *terminus ad quem* in that 'Master Alyngton of Botysam', whose mention at line 514 clearly places him in England at the time of the play, 'was in exile with Edward from September 1470 to April 1471.'¹¹ On the basis of numismatic evidence, Donald C. Baker has confirmed 1464 as the earliest possible date of composition since the 'rede reyallys' described at line 465 were first issued in that year.¹² However, Professor Baker rejects 1464 as improbable, preferring a date several years later to allow the currency some time to gain popularity. Thus, while the date of *Mankind* has been fairly well fixed between 1464 and 1470 by internal evidence, the tentative identification of 'Pope Pokett' allows the accuracy of the dating to be improved upon with some confidence. In the absence of any evidence that the play has undergone revision, the coincidence of Poket's death in 1464, his evident link with the most prominent contemporary figure in the morality, and the improbability that such an allusion would be included after the prior's death, make it difficult to avoid the conclusion that *Mankind* was written in 1464, Poket's final year as the prior of Barnwell Abbey.

University of Connecticut.

¹⁰ *ibid.*, pp. 650-51.

¹¹ *The Macro Plays*, p. xxxviii.

¹² Baker, 'Date of *Mankind*', p. 90.

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